

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McMILLAN: A bill (H. R. 13189) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. GARBNER of Oklahoma: A bill (H. R. 13190) to establish the Wichita Mountains National Park of Oklahoma, in the State of Oklahoma; to the Committee on the Public Lands.

By Mr. EATON of Colorado: A bill (H. R. 13191) authorizing the Secretary of the Interior to issue certain patents; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 13192) to provide for the use of the United States ship *Olympia* as a memorial to the men and women who served the United States in the war with Spain; to the Committee on Naval Affairs.

Also, a bill (H. R. 13193) providing for the purchase of a site and erection of a public building at Aberdeen, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13194) providing for the purchase of a site and erection of a public building at Vancouver, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: Joint resolution (H. J. Res. 389) making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress; to the Committee on Appropriations.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 42) to print, with accompanying illustrations, the proceedings upon the unveiling in Meridian Hill Park, Washington, D. C., on June 26, 1930, upon the acceptance of the statue of James Buchanan, fifteenth President of the United States; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 13195) granting an increase of pension to Mary A. Henriques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13196) granting an increase of pension to Angeline Staples; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 13197) granting a pension to John M. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 13198) granting a pension to Sarah Perkins; to the Committee on Pensions.

Also, a bill (H. R. 13199) granting a pension to William A. Perkins; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 13200) granting an increase of pension to Phebe E. Pray; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 13201) granting a pension to Christian F. Burke; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 13202) granting an increase of pension to William M. Hopper; to the Committee on Invalid Pensions.

By Mr. GOLDER: A bill (H. R. 13203) granting a pension to Josephine Shaw Cribb; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13204) granting an increase of pension to Sarah A. Dunlap; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13205) granting an increase of pension to Ruth Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13206) granting an increase of pension to Sallie Marple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting a pension to Mary J. Davis; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 13208) granting an increase of pension to Jennie V. Myers; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 13209) granting an increase of pension to Mary C. Harbrecht; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13210) granting an increase of pension to Laura Harnois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting a pension to Reuben B. F. Arnold; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13212) to reimburse the commissioners on uniform State laws; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 13213) granting a pension to Mary Miller; to the Committee on Invalid Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 13214) granting a pension to Alzana Isaacs; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 13215) granting an increase of pension to Mary A. Harvey; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 13216) granting a pension to Jasper Y. Willoughby; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 13217) granting a pension to Armenta A. Schaub; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13218) granting an increase of pension to Rachel J. Atkinson; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13219) granting a pension to Martha J. Blanchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting an increase of pension to Harry W. Weston; to the Committee on Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 13221) for the relief of Zinsser & Co.; to the Committee on Military Affairs.

## SENATE

SATURDAY, June 28, 1930

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Almighty and Most High God, in whose hand our breath is and whose are all our ways, make us, we pray Thee, to perceive and know that our good gifts come from Thee and that their continuance to us is of Thy gracious providence.

Keep our Nation from all things hurtful to the high calling wherewith Thou hast called it or to the sacred trust for the world by Thee committed to it.

Grant that as wealth and power and greatness increase, humility of mind may likewise increase among us and a deeper knowledge vouchsafed to us that all our gifts must be held for the good of Thy kingdom in the world.

We ask these things in the name of Jesus Christ our Lord. Amen.

## THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Fess and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## VOLLBEHR COLLECTION OF INCUNABULA—CORRECTION

Mr. JONES. Mr. President, on yesterday an amendment was submitted to the deficiency appropriation bill by the Senator from Connecticut [Mr. BINGHAM] with reference to the Vollbehr collection of incunabula. When it was introduced, I think I made the statement that it had been estimated for by the Budget. I made a mistake in that. It had not been sent down by the Budget as a matter of fact. The bill is pending in both Houses and has not yet been signed by the President. I think I ought to make that correction, because in the rush of business yesterday I made the statement that it had been sent down by the Budget.

## JUDGMENT AGAINST THE GOVERNMENT BY DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK (S. DOC. NO. 206)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, record of a judgment rendered against the Government by the United States District Court for the Eastern District of New York, as submitted by the Attorney General through the Secretary of the Treasury under the War Department, \$43,652.13, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## PAYMENT OF LOSSES OF GOVERNMENT FUNDS AND PERSONAL PROPERTY SUFFERED BY PERSONS IN THE FOREIGN SERVICES (S. DOC. NO. 207)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of State, amounting to \$130,631.80, for the payment of losses of Government funds and/or personal property suffered by persons in the Foreign Services of the Department of State and the Department of Commerce, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, transmitted the resolutions of the House on the death of Hon. STEPHEN GEYER PORTER, late a Representative from the State of Pennsylvania.

The message also announced that the House had passed the bill (S. 39) for the relief of Kate Canniff, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2790) for the relief of D. B. Traxler, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenheimer, jr.; and

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 836. An act to correct the military record of Shadrach Frank Foster;

H. R. 1526. An act for the relief of Thomas J. Hayden;

H. R. 2550. An act for the relief of Joseph Pulitzer;

H. R. 3426. An act for the relief of Halvor H. Groven;

H. R. 4166. An act for the relief of Steve Fekete;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5519. An act for the relief of Martin V. Day;

H. R. 5787. An act for the relief of Carlton Olin, otherwise known as Stephen Cebra;

H. R. 5801. An act for the relief of Henry A. Richmond;

H. R. 6193. An act for the relief of Sidney Morris Hopkins;

H. R. 6194. An act granting six months' pay to Arthur G. Caswell;

H. R. 6197. An act for the relief of William Befuhs (deceased), otherwise known as Charles Cameron;

H. R. 6758. An act for the relief of James B. Conner;

H. R. 7229. An act for the relief of James M. Ray;

H. R. 7339. An act for the relief of H. H. Lee;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 7794. An act for the relief of Genevieve M. Heberle;

H. R. 7797. An act for the relief of Jens H. Larsen;

H. R. 7917. An act for the relief of Michael Carter, deceased;

H. R. 8253. An act for the relief of Sterling S. Ball;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 8936. An act authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign;

H. R. 9205. An act for the relief of Julian E. Gillespie;

H. R. 9698. An act to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela;

H. R. 9872. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn.;

H. R. 10093. An act for the relief of Emmett Brooks;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;

H. R. 10938. An act for the relief of Harry W. Ward;

H. R. 11112. An act for the relief of William R. Nolan; and

H. R. 11820. An act to authorize issuance of a patent for certain lands to J. R. Murphy.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenheimer;

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming;

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy;

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the northwest Pacific States;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12599. An act to amend section 16 of the radio act of 1927; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

## REPORTS OF COMMITTEES

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 5212) for the relief of George Charles Walther, reported it without amendment and submitted a report (No. 1130) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain and operate a bridge across the Rainy River at Baudette, Minn. (Rept. No. 1131);

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island, in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island (Rept. No. 1132);

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont. (Rept. No. 1133);

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry (Rept. No. 1134);

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont. (Rept. No. 1135); and

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street, in Cook County, State of Illinois (Rept. No. 1136).

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4764) authorizing the erection of a memorial to the Lewis and Clark expedition at Seaside, Oreg.; to the Committee on the Library.

By Mr. ROBINSON of Indiana:

A bill (S. 4765) granting an increase of pension to Sarah J. Garten (with accompanying papers); to the Committee on Pensions.



## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 836. An act to correct the military record of Shadrach Frank Foster;

H. R. 1526. An act for the relief of Thomas J. Hayden;

H. R. 5519. An act for the relief of Martin V. Day;

H. R. 5787. An act for the relief of Carlton Olin, otherwise known as Stephen Cebra;

H. R. 6197. An act for the relief of William Befuhş (deceased), otherwise known as Charles Cameron;

H. R. 7229. An act for the relief of James M. Ray;

H. R. 7917. An act for the relief of Michael Carter, deceased;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh; and

H. R. 11112. An act for the relief of William R. Nolan; to the Committee on Military Affairs.

H. R. 2550. An act for the relief of Joseph Pulitzer;

H. R. 3426. An act for the relief of Halvor H. Groven;

H. R. 4166. An act for the relief of Steve Fekete;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5801. An act for the relief of Henry A. Richmond;

H. R. 6758. An act for the relief of James B. Conner;

H. R. 7339. An act for the relief of H. H. Lee;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 7794. An act for the relief of Genevieve M. Heberle;

H. R. 7797. An act for the relief of Jens H. Larsen;

H. R. 8253. An act for the relief of Sterling S. Ball;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 9205. An act for the relief of Julian E. Gillespie;

H. R. 9872. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn.;

H. R. 10093. An act for the relief of Emmett Brooks;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.; and

H. R. 10938. An act for the relief of Harry W. Ward; to the Committee on Claims.

H. R. 6193. An act for the relief of Sidney Morris Hopkins;

H. R. 6194. An act granting six months' pay to Arthur G. Caswell;

H. R. 8936. An act authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign; and

H. R. 9698. An act to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela; to the Committee on Naval Affairs.

H. R. 11820. An act to authorize issuance of a patent for certain lands to J. R. Murphy; to the Committee on Public Lands and Surveys.

## KATE CANNIFF

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 39) for the relief of Kate Canniff, which was, on page 1, line 1, after "1909," to insert a colon and the following proviso:

*Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. WALSH of Montana. I move that the Senate concur in the House amendment.

The motion was agreed to.

## EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On June 27, 1930:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony nearly Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city

of New Orleans, La., the silver service in use on the cruiser *New Orleans*;

S. 671. An act for the relief of E. M. Davis;

S. 968. An act for the relief of Anna Faceina;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles*;

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 2972. An act for the relief of DeWitt & Shobe;

S. 3038. An act for the relief of the National Surety Co.;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;

S. 3664. An act for the relief of T. B. Cowper;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon*;

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4517. An act to provide for the regulation of tolls over certain bridges;

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S-4*. On June 28, 1930:

S. 3068. An act to amend section 355 of the Revised Statutes to permit the Attorney General to accept certificates of title in the purchase of land by the United States in certain cases.

## HOME ADDRESSES OF SENATORS AND REPRESENTATIVES

Mr. HOWELL. Mr. President, I ask unanimous consent to insert in the RECORD a list of Senators and Representatives in Congress of this date, with their home addresses.

The VICE PRESIDENT. Without objection, it is so ordered. The list is as follows:

## OFFICIAL LIST OF MEMBERS OF THE UNITED STATES SENATE AND HOME ADDRESSES, SEVENTY-FIRST CONGRESS, JUNE, 1930

## ALABAMA

James Thomas Heflin, Lafayette.

Hugo L. Black, Birmingham.

## ARIZONA

Henry F. Ashurst, Prescott.

Carl Hayden, Phoenix.

## ARKANSAS

Joseph T. Robinson, Little Rock.

T. H. Caraway, Jonesboro.

## CALIFORNIA

Hiram W. Johnson, San Francisco.

Samuel M. Shortridge, Menlo Park.

## COLORADO

Lawrence C. Phipps, Denver.

Charles W. Waterman, Denver.

## CONNECTICUT

Hiram Bingham, New Haven.

Frederic C. Walcott, Norfolk.

## DELAWARE

Daniel O. Hastings, Wilmington.  
John G. Townsend, jr., Shelbyville.

## FLORIDA

Duncan U. Fletcher, Jacksonville.  
Park Trammell, Lakeland.

## GEORGIA

William J. Harris, Cedartown.  
Walter F. George, Vienna.

## IDAHO

William E. Borah, Boise.  
John Thomas, Gooding.

## ILLINOIS

Charles S. Deneen, Chicago.  
Otis F. Glenn, Murphysboro.

## INDIANA

James E. Watson, Rushville.  
Arthur R. Robinson, Indianapolis.

## IOWA

Daniel F. Steck, Ottumwa.  
Smith W. Brookhart, Washington.

## KANSAS

Arthur Capper, Topeka.  
Henry J. Allen, Wichita.

## KENTUCKY

Alben W. Barkley, Paducah.  
John M. Robsion, Barbourville.

## LOUISIANA

Joseph E. Ransdell, Lake Providence.  
Edwin S. Broussard, New Iberia.

## MAINE

Frederick Hale, Portland.  
Arthur R. Gould, Presque Isle.

## MARYLAND

Millard E. Tydings, Havre de Grace.  
Phillips Lee Goldsborough, Baltimore.

## MASSACHUSETTS

Frederick H. Gillett, Springfield.  
David I. Walsh, Clinton.

## MICHIGAN

James Couzens, Detroit.  
Arthur H. Vandenberg, Grand Rapids.

## MINNESOTA

Henrik Shipstead, Minneapolis.  
Thomas D. Schall, Minneapolis.

## MISSISSIPPI

Pat Harrison, Gulfport.  
Hubert D. Stephens, New Albany.

## MISSOURI

Harry B. Hawes, St. Louis.  
Roscoe C. Patterson, Kansas City.

## MONTANA

Thomas J. Walsh, Helena.  
Burton K. Wheeler, Butte.

## NEBRASKA

George W. Norris, McCook.  
Robert B. Howell, Omaha.

## NEVADA

Key Pittman, Tonopah.  
Tasker L. Oddie, Reno.

## NEW HAMPSHIRE

George H. Moses, Concord.  
Henry W. Keyes, North Haverhill.

## NEW JERSEY

Hamilton F. Kean, Elizabeth.  
David Baird, jr., Camden.

## NEW MEXICO

Sam G. Bratton, Albuquerque.  
Bronson Cutting, Santa Fe.

## NEW YORK

Royal S. Copeland, New York City.  
Robert F. Wagner, New York City.

## NORTH CAROLINA

Furnifold McL. Simmons, New Bern.  
Lee S. Overman, Salisbury.

## NORTH DAKOTA

Lynn J. Frazier, Hoople.  
Gerald P. Nye, Cooperstown.

## OHIO

Simeon D. Fess, Yellow Springs.  
Roscoe C. McCulloch, Canton.

## OKLAHOMA

W. B. Pine, Okmulgee.  
Elmer Thomas, Medicine Park.

## OREGON

Charles L. McNary, Salem.  
Frederick Steiwer, Portland.

## PENNSYLVANIA

David A. Reed, Pittsburgh.  
Joseph R. Grundy, Bristol.

## RHODE ISLAND

Jesse H. Metcalf, Providence.  
Felix Hebert, West Warwick.

## SOUTH CAROLINA

Ellison D. Smith, Lynchburg.  
Cole L. Blease, Columbia.

## SOUTH DAKOTA

Peter Norbeck, Redfield.  
William H. McMaster, Yankton.

## TENNESSEE

Kenneth McKellar, Memphis.  
William E. Brock, Chattanooga.

## TEXAS

Morris Sheppard, Texarkana.  
Tom Connally, Marlin.

## UTAH

Reed Smoot, Provo.  
William H. King, Salt Lake City.

## VERMONT

Frank L. Greene, St. Albans.  
Porter H. Dale, Island Pond.

## VIRGINIA

Claude A. Swanson, Chatham.  
Carter Glass, Lynchburg.

## WASHINGTON

Wesley L. Jones, Seattle.  
Clarence C. Dill, Spokane.

## WEST VIRGINIA

Guy D. Goff, Clarksburg.  
Henry D. Hatfield, Huntington.

## WISCONSIN

Robert M. La Follette, jr., Madison.  
John J. Blaine, Boscobel.

## WYOMING

John B. Kendrick, Sheridan.  
Patrick J. Sullivan, Casper.

OFFICIAL LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES AND THEIR PLACES OF RESIDENCE, SEVENTY-FIRST CON-  
GRESS, JUNE, 1930

## ALABAMA

John McDuffie, Monroeville.  
Lister Hill, Montgomery.  
Henry B. Steagall, Ozark.  
Lamar Jeffers, Anniston.  
La Fayette L. Patterson, Dadeville.  
William B. Oliver, Tuscaloosa.  
Miles C. Allgood, Allgood.  
Edward B. Almon, Tuscumbia.  
George Huddleston, Birmingham.  
William B. Bankhead, Jasper.

## ARIZONA

## At large

Lewis W. Douglas, Phoenix.

## ARKANSAS

William J. Driver, Osceola.  
Pearl Peden Oldfield, Batesville.  
Claude A. Fuller, Eureka Springs.  
Otis Wingo, De Queen.  
Heartsill Ragon, Clarksville.  
D. D. Glover, Malvern.  
Tilman B. Parks, Camden.

## CALIFORNIA

Clarence F. Lea, Santa Rosa.  
Harry L. Englebright, Nevada City.  
Charles Forrest Curry, Sacramento.



Florence P. Kahn, San Francisco.  
 Richard J. Welch, San Francisco.  
 Albert E. Carter, Oakland.  
 Henry E. Barbour, Fresno.  
 Arthur M. Free, San Jose.  
 W. E. Evans, Glendale.  
 Joe Crall, Los Angeles.  
 Phil D. Swing, El Centro.

## COLORADO

William R. Eaton, Denver.  
 Charles B. Timberlake, Sterling.  
 Guy U. Hardy, Canon City.  
 Edward T. Taylor, Glenwood Springs.

## CONNECTICUT

E. Hart Fenn, Wethersfield.  
 Richard P. Freeman, New London.  
 John Q. Tilton, New Haven.  
 Schuyler Merritt, Stamford.

## DELAWARE

*At large*

Robert G. Houston, Georgetown.

## FLORIDA

Herbert J. Drane, Lakeland.  
 R. A. Green, Starke.  
 Tom A. Yon, Tallahassee.  
 Ruth Bryan Owen, Miami.

## GEORGIA

Charles G. Edwards, Savannah.  
 E. E. Cox, Camilla.  
 Charles R. Crisp, Americus.  
 William C. Wright, Newnan.  
 Robert Ramspeck, Decatur.  
 Samuel Rutherford, Forsyth.  
 Malcolm C. Tarver, Dalton.  
 Charles H. Brand, Athens.  
 Thomas M. Bell, Gainesville.  
 Carl Vinson, Milledgeville.  
 William C. Lankford, Douglas.  
 William W. Larsen, Dublin.

## IDAHO

Burton L. French, Moscow.  
 Addison T. Smith, Twin Falls.

## ILLINOIS

Oscar De Priest, Chicago.  
 Morton D. Hull, Chicago.  
 Elliott W. Sproul, Chicago.  
 Thomas A. Doyle, Chicago.  
 Adolph J. Sabath, Chicago.  
 James T. Igoe, Chicago.  
 M. A. Michaelson, Chicago.  
 Stanley Henry Kunz, Chicago.  
 Fred A. Britten, Chicago.  
 Carl R. Chindblom, Chicago.  
 Frank R. Reid, Aurora.  
 John T. Buckbee, Rockford.  
 William R. Johnson, Freeport.  
 John C. Allen, Monmouth.  
 William E. Hull, Peoria.  
 Homer W. Hall, Bloomington.  
 William P. Holaday, Georgetown.  
 Charles Adkins, Decatur.  
 Henry T. Rainey, Carrollton.  
 Frank M. Ramey, Hillsboro.  
 Ed. M. Irwin, Belleville.  
 William W. Arnold, Robinson.  
 Edward E. Denison, Marion.

*At large*

Richard Yates, Springfield.  
 Ruth Hanna McCormick, Byron.

## INDIANA

Harry E. Rowbottom, Evansville.  
 Arthur H. Greenwood, Washington.  
 James W. Dunbar, New Albany.  
 Harry C. Canfield, Batesville.  
 Noble J. Johnson, Terre Haute.  
 Richard N. Elliott, Connersville.  
 Louis Ludlow, Indianapolis.  
 Albert H. Vestal, Anderson.  
 Fred S. Purnell, Attica.  
 William R. Wood, La Fayette.  
 Albert R. Hall, Marion.

David Hogg, Fort Wayne.  
 Andrew J. Hickey, La Porte.

## IOWA

W. F. Kopp, Mount Pleasant.  
 F. D. Letts, Davenport.  
 T. J. B. Robinson, Hampton.  
 Gilbert N. Haugen, Northwood.  
 Cyrenus Cole, Cedar Rapids.  
 C. William Ramseyer, Bloomfield.  
 Cassius C. Dowell, Des Moines.  
 Lloyd Thurston, Osceola.  
 Charles E. Swanson, Council Bluffs.  
 L. J. Dickinson, Algona.  
 Ed H. Campbell, Battle Creek.

## KANSAS

W. P. Lambertson, Fairview.  
 U. S. Guyer, Kansas City.  
 W. H. Sproul, Sedan.  
 Homer Hoch, Marion.  
 James G. Strong, Blue Rapids.  
 Charles I. Sparks, Goodland.  
 Clifford R. Hope, Garden City.  
 William A. Ayres, Wichita.

## KENTUCKY

W. V. Gregory, Mayfield.  
 David H. Kincheloe, Madisonville.  
 John W. Moore, Morgantown.  
 J. D. Craddock, Munfordville.  
 Maurice H. Thatcher, Louisville.  
 J. Lincoln Newhall, Covington.  
 Robert Blackburn, Lexington.  
 Lewis L. Walker, Lancaster.  
 Elva R. Kendall, Carlisle.  
 Katherine Langley, Pikeville.  
 Charles Finley, Williamsburg.

## LOUISIANA

James O'Connor, New Orleans.  
 J. Zach Spearing, New Orleans.  
 Numa F. Montet, Thibodaux.  
 John N. Sandlin, Minden.  
 Riley J. Wilson, Ruston.  
 Bolivar E. Kemp, Amite.  
 René L. DeRouen, Ville Platte.  
 James B. Aswell, Natchitoches.

## MAINE

Carroll L. Beedy, Portland.  
 Wallace H. White, jr., Lewiston.  
 John E. Nelson, Augusta.  
 Donald F. Snow, Bangor.

## MARYLAND

T. Alan Goldsborough, Denton.  
 Linwood L. Clark, Baltimore.  
 Vincent L. Palmisano, Baltimore.  
 J. Charles Linthicum, Baltimore.  
 Stephen W. Gambrill, Laurel.  
 Frederick N. Zihlman, Cumberland.

## MASSACHUSETTS

Allen T. Treadway, Stockbridge.  
 William J. Granfield, Springfield.  
 Frank H. Foss, Fitchburg.  
 George R. Stobbs, Worcester.  
 Edith Nourse Rogers, Lowell.  
 A. Piatt Andrew, Gloucester.  
 William P. Connery, jr., Lynn.  
 Frederick W. Dallinger, Cambridge.  
 Charles L. Underhill, Somerville.  
 John J. Douglass, Boston.  
 George Holden Tinkham, Boston.  
 John W. McCormack, Boston.  
 Robert Luce, Waltham.  
 Richard B. Wigglesworth, Milton.  
 Joseph W. Martin, jr., North Attleboro.  
 Charles L. Gifford, Cotuit.

## MICHIGAN

Robert H. Clancy, Detroit.  
 Earl C. Michener, Adrian.  
 Joseph L. Hooper, Battle Creek.  
 John C. Ketcham, Hastings.  
 Carl E. Mapes, Grand Rapids.  
 Grant M. Hudson, East Lansing.  
 Louis C. Cramton, Lapeer.

Bird J. Vincent, Saginaw.  
James C. McLaughlin, Muskegon.  
Roy O. Woodruff, Bay City.  
Frank P. Bohn, Newberry.  
W. Frank James, Hancock.  
Clarence J. McLeod, Detroit.

## MINNESOTA

Victor Christgau, Austin.  
Frank Clague, Redwood Falls.  
August H. Andresen, Red Wing.  
Melvin J. Maas, St. Paul.  
W. I. Nolan, Minneapolis.  
Harold Knutson, St. Cloud.  
Paul J. Kvale, Benson.  
William A. Pittenger, Duluth.  
Conrad G. Selvig, Crookston.  
Godfrey G. Goodwin, Cambridge.

## MISSISSIPPI

John E. Rankin, Tupelo.  
Wall Doxey, Holly Springs.  
W. M. Whittington, Greenwood.  
Jeff Busby, Houston.  
Ross A. Collins, Meridian.  
Robert S. Hall, Hattiesburg.  
Percy E. Quin, McComb.  
James W. Collier, Vicksburg.

## MISSOURI

M. A. Romjue, Macon.  
Ralph F. Lozier, Carrollton.  
Jacob L. Milligan, Richmond.  
David Hopkins, St. Joseph.  
Edgar C. Ellis, Kansas City.  
Thomas J. Halsey, Holden.  
John W. Palmer, Sedalia.  
William L. Nelson, Columbia.  
Clarence Cannon, Elsberry.  
Henry F. Niedringhaus, St. Louis.  
John J. Cochran, St. Louis.  
Leonidas C. Dyer, St. Louis.  
Charles E. Kiefner, Perryville.  
Dewey Short, Galena.  
Joe J. Manlove, Joplin.  
Rowland L. Johnston, Rolla.

## MONTANA

John M. Evans, Missoula.  
Scott Leavitt, Great Falls.

## NEBRASKA

John H. Morehead, Falls City.  
Willis G. Sears, Omaha.  
Edgar Howard, Columbus.  
Charles H. Sloan, Geneva.  
Fred G. Johnson, Hastings.  
Robert G. Simmons, Scottsbluff.

## NEVADA

*At large*

Samuel S. Arentz, Simpson.

## NEW HAMPSHIRE

Fletcher Hale, Laconia.  
Edward H. Wason, Nashua.

## NEW JERSEY

Charles A. Wolverton, Camden.  
Isaac Bacharach, Atlantic City.  
Harold G. Hoffman, South Amboy.  
Charles A. Eaton, North Plainfield.  
Ernest R. Ackerman, Plainfield.  
Randolph Perkins, Woodcliff Lake.  
George N. Seger, Passaic.  
Fred A. Hartley, jr., Newark.  
Franklin W. Fort, East Orange.  
Frederick R. Lehlbach, Newark.  
Oscar L. Auf der Heide, West New York.  
Mary T. Norton, Jersey City.

## NEW MEXICO

*At large*

Albert Gallatin Simms, Albuquerque.

## NEW YORK

Robert L. Bacon, Westbury.  
William F. Brunner, Rockaway Park.  
George W. Lindsay, Brooklyn.  
Thomas H. Cullen, Brooklyn.  
Loring M. Black, jr., Brooklyn.

Andrew L. Somers, Brooklyn.  
John F. Quayle, Brooklyn.  
Patrick J. Carley, Brooklyn.  
David J. O'Connell, Brooklyn.  
Emanuel Celler, Brooklyn.  
Anning S. Prall, West New Brighton.  
Samuel Dickstein, New York City.  
Christopher D. Sullivan, New York City.  
William I. Sirovich, New York City.  
John J. Boylan, New York City.  
John J. O'Connor, New York City.  
Ruth Pratt, New York City.  
Martin J. Kennedy, New York City.  
Sol Bloom, New York City.  
Fiorello H. LaGuardia, New York City.  
Joseph A. Gavagan, New York City.  
Anthony J. Griffin, New York City.  
Frank Oliver, Bronx.  
James M. Fitzpatrick, Bronx.  
J. Meyhew Wainwright, Rye.  
Hamilton Fish, jr., Garrison.  
Harcourt J. Pratt, Highland.  
Parker Corning, Albany.  
James S. Parker, Salem.  
Frank Crowther, Schenectady.  
Bertrand H. Snell, Potsdam.  
Francis D. Culkin, Oswego.  
Frederick M. Davenport, Clinton.  
John D. Clarke, Fraser.  
Clarence E. Hancock, Syracuse.  
John Taber, Auburn.  
Gale H. Stalker, Elmira.  
James L. Whitley, Rochester.  
Archie D. Sanders, Stafford.  
S. Wallace Dempsey, Lockport.  
Edmund F. Cooke, Alden.  
James M. Mead, Buffalo.  
Daniel A. Reed, Dunkirk.

## NORTH CAROLINA

Lindsay Warren, Washington.  
John H. Kerr, Warrenton.  
Charles L. Abernethy, New Bern.  
Edward W. Pou, Smithfield.  
Charles M. Stedman, Greensboro.  
J. Bayard Clark, Fayetteville.  
William C. Hammer, Asheville.  
Robert L. Doughton, Laurelsprings.  
Charles A. Jonas, Lincolnton.  
George M. Pritchard, Asheville.

## NORTH DAKOTA

Olger B. Burtness, Grand Forks.  
Thomas Hall, Bismarck.  
James H. Sinclair, Kenmare.

## OHIO

Nicholas Longworth, Cincinnati.  
William E. Hess, Cincinnati.  
Roy G. Fitzgerald, Dayton.  
John L. Cable, Lima.  
Charles J. Thompson, Defiance.  
Charles C. Kearns, Amelia.  
Charles Brand, Urbana.  
Grant E. Mouser, jr., Marion.  
W. W. Chalmers, Toledo.  
Thomas A. Jenkins, Ironton.  
Mell G. Underwood, New Lexington.  
John C. Speaks, Columbus.  
Joe E. Baird, Bowling Green.  
Francis Seiberling, Akron.  
C. Ellis Moore, Cambridge.  
C. B. McClintock, Canton.  
William M. Morgan, Newark.  
Frank Murphy, Steubenville.  
John G. Cooper, Youngstown.  
Charles A. Mooney, Cleveland.  
Robert Crosser, Cleveland.  
Chester C. Bolton, Cleveland.

## OKLAHOMA

Charles O'Connor, Tulsa.  
William W. Hastings, Tahlequah.  
Wilburn Cartwright, McAlester.  
Tom D. McKeown, Ada.  
U. S. Stone, Norman.  
Jed Johnson, Anadarko.  
James V. McClintic, Snyder.  
M. C. Garber, Enid.



## OREGON

Willis C. Hawley, Salem.  
Robert R. Butler, The Dalles.  
Franklin F. Korell, Portland.

## PENNSYLVANIA

James M. Beck, Philadelphia.  
George S. Graham, Philadelphia.  
Harry C. Ransley, Philadelphia.  
Benjamin M. Golder, Philadelphia.  
James J. Connolly, Philadelphia.  
George A. Welsh, Philadelphia.  
George P. Darrow, Philadelphia.  
James Wolfenden, Upper Darby.  
Henry W. Watson, Langhorne.  
J. Roland Kinzer, Lancaster.  
Laurence H. Watres, Scranton.  
C. Murray Turpin, Kingston.  
George F. Brumm, Minersville.  
Charles J. Esterly, Sally Ann Furnace.  
Louis T. McFadden, Canton.  
Edgar R. Kiess, Williamsport.  
Frederick W. Magrady, Mount Carmel.  
Edward M. Beers, Mount Union.  
I. H. Doutrich, Harrisburg.  
J. Russell Leech, Ebensburg.  
J. Banks Kurtz, Altoona.  
Franklin Menges, York.  
J. Mitchell Chase, Clearfield.  
Samuel A. Kendall, Meyersdale.  
Henry W. Temple, Washington.  
J. Howard Swick, Beaver Falls.  
Nathan L. Strong, Brookville.  
Thomas C. Cochran, Mercer.  
Milton W. Shreve, Erie.  
William R. Coyle, Bethlehem.  
Adam M. Wyant, Greensburg.  
Clyde Kelly, Edgewood.  
Patrick J. Sullivan, Pittsburgh.  
Harry A. Estep, Pittsburgh.  
Guy E. Campbell, Crafton.

## RHODE ISLAND

Clark Burdick, Newport.  
Richard S. Aldrich, Warwick.

## SOUTH CAROLINA

Thomas S. McMillan, Charleston.  
Butler B. Hare, Saluda.  
Fred H. Dominick, Newberry.  
John J. McSwain, Greenville.  
William F. Stevenson, Cheraw.  
Allard H. Gasque, Florence.  
Hampton P. Fulmer, Orangeburg.

## SOUTH DAKOTA

Charles A. Christopherson, Sioux Falls.  
Royal C. Johnson, Aberdeen.  
William Williamson, Rapid City.

## TENNESSEE

B. Carroll Reece, Butler.  
J. Will Taylor, La Follette.  
S. D. McReynolds, Chattanooga.  
Cordell Hull, Carthage.  
Ewin L. Davis, Tullahoma.  
Joseph W. Byrns, Nashville.  
Edward E. Eslick, Pulaski.  
Gordon Browning, Huntingdon.  
Jere Cooper, Dyersburg.  
Hubert F. Fisher, Memphis.

## TEXAS

Wright Patman, Texarkana.  
John C. Box, Jacksonville.  
Morgan G. Sanders, Canton.  
Sam Rayburn, Bonham.  
Hatton W. Sumners, Dallas.  
Luther A. Johnson, Corsicana.  
Clay Stone Briggs, Galveston.  
Daniel E. Garrett, Houston.  
Joseph J. Mansfield, Columbus.  
James P. Buchanan, Brenham.  
O. H. Cross, Waco.  
Fritz G. Lanham, Fort Worth.  
Gulnn Williams, Decatur.  
Harry M. Wurzbach, San Antonio.  
John N. Garner, Uvalde.

C. B. Hudspeth, El Paso.  
Thomas L. Blanton, Abilene.  
Marvin Jones, Amarillo.

## UTAH

Don B. Colton, Vernal.

## VERMONT

Elbert S. Brigham, St. Albans.  
Ernest W. Gibson, Brattleboro.

## VIRGINIA

Schuyler Otis Bland, Newport News.  
Menalcus Lankford, Norfolk.  
Andrew J. Montague, Richmond.  
Patrick Henry Drewry, Petersburg.  
Joseph Whitehead, Chatham.  
Clifton A. Woodrum, Roanoke.  
J. A. Garber, Harrisonburg.  
R. Walton Moore, Fairfax.  
Joseph C. Shaffer, Wytheville.  
Henry St. George Tucker, Lexington.

## WASHINGTON

John F. Miller, Seattle.  
Lindley H. Hadley, Bellingham.  
Albert Johnson, Hoquiam.  
John W. Summers, Walla Walla.  
Sam B. Hill, Waterville.

## WEST VIRGINIA

Carl G. Bachmann, Wheeling.  
Frank L. Bowman, Morgantown.  
John M. Wolverton, Richwood.  
Hugh Ike Shott, Bluefield.  
Joe L. Smith, Beckley.

## WISCONSIN

Henry Allen Cooper, Racine.  
Charles A. Kading, Watertown.  
John M. Nelson, Madison.  
John C. Schafer, Milwaukee.  
William H. Stafford, Milwaukee.  
Florian Lampert, Oshkosh.  
Merlin Hull, Black River Falls.  
Edward E. Browne, Waupaca.  
George J. Schneider, Appleton.  
James A. Frear, Hudson.  
Hubert H. Peavey, Washburn.

## WYOMING

*At large*

Vincent Carter, Kemmerer.

## ALASKA

*Delegate*

Dan A. Sutherland, Juneau.

## HAWAII

*Delegate*

Victor S. K. Houston, Honolulu.

## PHILIPPINE ISLANDS

*Resident Commissioners*

Camilo Osias, Balaoal.  
Pedro Guevara, Santa Cruz.

## PORTO RICO

*Resident Commissioner*

Felix Cordova Davila, San Juan.

## ORDER OF BUSINESS

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I ask unanimous consent to proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

## RELIEF OF WORLD WAR VETERANS

Mr. WATSON. Mr. President, from the Committee on Finance I desire to report back favorably with amendments the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, and I submit a report (No. 1128) thereon. The bill was approved by the Committee on Finance this morning.

The VICE PRESIDENT. The report will be received.

Mr. ASHURST. Mr. President, I wish to make some inquiries concerning the bill, if I am in order.

The VICE PRESIDENT. The Senator from Arizona is in order.

Mr. LA FOLLETTE. Mr. President, before the Senator from Arizona proceeds, the Senator from Indiana, of course, intends to have the bill printed?

Mr. WATSON. Yes; I ask that it may be printed and lie on the table.

Mr. LA FOLLETTE. It might be well to have the report printed, too.

Mr. WATSON. I ask that that may be done.

The VICE PRESIDENT. The bill and report will be printed, as requested.

Mr. WALSH of Massachusetts. Mr. President, in connection with the report made by the Senator from Indiana, I desire to offer at this time an amendment to the principal section of the bill. The principal section of the bill is one dealing with disability allowances. There is a sharp difference of opinion among members of the committee as to what the rates should be in reference to disability allowances based upon degrees of disability.

In behalf of the Senator from Texas [Mr. CONNALLY] and myself, I desire to offer an amendment and ask that the same be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. WALSH of Massachusetts. I also ask that the amendment may be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The amendment is as follows:

On page 15, beginning with line 6, strike out through line 25, on page 16, and insert in lieu thereof the following:

"On and after the date of approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War and who is or may hereafter be suffering from a permanent disability, as defined by the director, which was not acquired in the service during the World War or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates:

"Ten dollars per month for one-tenth disability;

"Twenty dollars per month for one-fourth disability;

"Thirty-five dollars per month for one-half disability;

"Fifty dollars per month for three-fourths disability; and

"Sixty dollars per month for total disability.

"Any disability allowance granted under this section shall commence from the date of filing application therefor in the United States Veterans' Bureau, and such application shall be in such form as the director may prescribe. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corresponding degree of disability under the provisions of this section, then such person may elect to receive such disability allowance in lieu of compensation. Nothing in this section shall be construed to allow the payment to any person of both a disability allowance and compensation during the same period, and all payments made to any person for the period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of this act, the term 'compensation' shall be deemed to include the term 'disability allowance' as used in this section."

Mr. BINGHAM. Mr. President, I suggest to the Senator from Indiana that he ask that the bill be taken up promptly on Monday.

Mr. WATSON. I desire to make a statement with reference to the bill as soon as I may.

Mr. ASHURST. Mr. President, will the Senator indulge me to ask some questions with reference to the bill?

Mr. WATSON. Certainly; with pleasure.

Mr. ASHURST. In the veterans' bill, vetoed by the President, the Senator from Indiana will recall that an amendment thereto was offered by the Senator from Montana [Mr. WALSH], which amendment was to the effect that an action or suit brought by an ex-service man could not be barred until the veteran had a fair opportunity to bring a suit. Has the committee included such a provision in this bill?

Mr. WATSON. I do not think it is included in express terms, as offered by the Senator from Montana, but a similar provision is included.

Mr. GEORGE. Mr. President, if the Senator from Indiana will permit me—

Mr. WATSON. Certainly.

Mr. GEORGE. The amendment extends the time for bringing suit to within one year after the approval of the act and one year after final disapproval by the director.

Mr. ASHURST. I am grateful for the information. The Walsh amendment was as follows:

No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim

by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date.

The Senate will also recall that when we had that bill under consideration on June 23, the Senator from New Mexico [Mr. BRATTON] proposed, and the Senate adopted, an amendment, which will be found on page 11897 of the RECORD, reading as follows:

*Provided*, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than \$50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than \$50 per month from the date of such modification.

Has the committee included such a provision in this bill just reported? Do I make myself clear?

Mr. WATSON. That provision was not in the bill as it came to us from the House and we did not insert it.

Mr. ASHURST. It will be remembered that in 1926 after some debate the Senate, upon a yea-and-nay vote and by a large majority, adopted my amendment providing for the statutory award of \$50 per month to an ex-service person with an arrested case of tuberculosis. In adopting my amendment it was the intention of Congress, and it was likewise the intention of the Executive who signed the bill, to provide that once a veteran was declared by the bureau to have an arrested case of tuberculosis, it would be beyond the power of the bureau to reduce such veteran's compensation.

I find no fault, and neither did the Senator from New Mexico find fault, with the Director of the Veterans' Bureau respecting the carrying out of the provisions of my amendment. He has been fair and diligent in carrying out that provision of the law. But the Comptroller General has held that a veteran, although he be declared by the Veterans' Bureau to be an arrested case, might have his compensation reduced at any time. A veteran with an arrested case of tuberculosis may do some sorts of work, but there are other sorts of work which he can not do, and inasmuch as Congress wisely, in my judgment, desired to encourage every veteran to engage in a gainful occupation where possible, Congress adopted my amendment providing for the statutory award in order that the \$50 per month might piece out the veteran's income.

Prime factor to be considered in restoring health to a person afflicted with pulmonary tuberculosis or in arresting the progress of the disease, are digestion and alimentation and in order that there may be adequate digestion and alimentation and the building up of sufficient blood and tissue, a serene mind in the patient is necessary.

When the Senator from New Mexico [Mr. BRATTON] introduced his amendment on June 23 he spoke, in part, as follows:

Mr. BRATTON. Mr. President, \* \* \* in 1926 the senior Senator from Arizona [Mr. ASHURST] proposed an amendment to the World War veterans' act of 1924, to provide that any veteran having tuberculosis who had reached the arrested stage should be compensated at the rate of \$50 per month; that is to say, after the bureau had diagnosed the veterans' condition as being arrested tuberculosis, he should be compensated at a flat figure of \$50 per month.

It was stated upon the floor of the Senate then by the Senator from Arizona and myself that the object of the provision was to give veterans, particularly those who went to the West and the Southwest and regained their health there to the extent of their tuberculosis being arrested, the assurance that their compensation would never be reduced below \$50 per month. It was to relieve them of the mental disturbance occasioned by the fact that they might be called before the bureau from time to time, reexamined, and their compensation reduced or increased.

It was understood then that those veterans were to have a fixed status. But following that, and yielding to a decision rendered by the Comptroller General, the Veterans' Bureau has been compelled to reduce the compensation of large numbers of arrested tuberculars and to discontinue it in many other cases. My colleague said a few moments ago that in New Mexico alone more than 800 ex-service men who have been diagnosed as arrested tuberculars, compensated for a while at \$50 a month, have thereafter either had their compensation reduced below that figure or had it discontinued entirely.

The Senator from New Mexico has been called away. I request Senators to incorporate the amendment in the bill.

Mr. WATSON. Mr. President, the Senator will have an opportunity to offer the amendment.

The VICE PRESIDENT. Does the Senator offer the amendment?

Mr. ASHURST. I do so at this time.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

Mr. ASHURST. I thank the Senator from Indiana for yielding.



Mr. REED. Mr. President, just to clarify the situation with reference to that matter, the bill as it comes from the House makes these provisions for arrested and cured tuberculosis. First:

That any ex-service man shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than \$50 per month.

Then later:

The director is hereby authorized and directed to insert in the rating schedule a minimum record of permanent partial 25 per cent for arrested or apparently cured tuberculosis.

The cases which the Senator has in mind have been in the minds of the draftsmen of the bill. I know the Senator may desire to offer an amendment increasing those rates.

Mr. WATSON. Mr. President, I now ask unanimous consent that the Senate agree to proceed to the consideration of the veterans' relief bill immediately after the conclusion of routine morning business on Monday.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. WATSON. I yield.

Mr. NORRIS. I do not see any advantage that can be gained by granting that unanimous consent now. Why does not the Senator wait until the report and bill are printed?

Mr. WATSON. They will be printed.

Mr. NORRIS. I know that, but the Senator is asking us to make an agreement about the bill before we know what it is. I do not think there will be any objection to taking it up Monday, but I am not willing to agree at this time to unanimous consent to that effect, because I have had no opportunity to examine the bill, and neither has anybody else. I object.

The VICE PRESIDENT. Objection is heard.

Mr. WATSON. Then I shall move to take it up at the earliest opportunity on Monday.

From the Committee on Finance, I also report back favorably, with amendments, the bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans, and I submit a report (No. 1129) thereon. This bill provides for a consolidation under one head of all agencies for veterans' relief and pensions.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

#### MUSCLE SHOALS

Mr. BLACK. Mr. President, in view of the resolution which was unanimously passed by the Senate on yesterday, I desire to read to the Senate a telegram which was sent by the Secretary of War and received at Florence, Ala., yesterday. The telegram was sent by the Secretary of War to the mayor and aldermen of the town of Muscle Shoals, and reads as follows:

Reference telegram June 17 regarding your application for power from Wilson Dam. Pending congressional action, this department considers it the best interest of the Government to continue present agreement with Alabama Power Co. and not to establish policy of retailing small amounts of power, both on account of operating difficulties and conflict with existing agreement. Tennessee Power Co. is purchasing power from Alabama Co. and not from the Government direct.

HURLEY, Secretary of War.

In connection with that I call the attention of the Senate to a photostatic copy of the agreement between the Government and the Alabama Power Co. I have read this agreement carefully. It contains no stipulation, no inference of any kind, so far as I can find, that the Alabama Power Co., and the Alabama Power Co. alone, can buy this power. This copy was sent to me by the Secretary of War as the complete agreement, but in this telegram to the people of Muscle Shoals he gives as an excuse for not being able to sell power to the municipality that to do so would be in conflict with the existing agreement with the Alabama Power Co. So we are forced to the conclusion that, outside of the written agreement with the Alabama Power Co., the Secretary of War and the administration must have some kind of agreement that, even though the Alabama Power Co. is only using from one-eighth to one-fifth of

the power capable of generation, no power from the Wilson Dam will be sold to any municipality.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield to the Senator.

Mr. McKELLAR. The Senator will recall that under the original act of 1916, providing for the construction of the Wilson Dam, there is an express provision which prohibits the President of the United States and the Secretary of War from making any such agreement as the Senator has indicated has been made with the Alabama Power Co. It directly and specifically prohibits any such agreement as now exists.

Mr. BLACK. I thank the Senator.

Mr. President, in a letter of January 8 from the Secretary of War to me, when I had protested against building an expensive power line by the power companies from Nashville to Muscle Shoals, the Secretary of War said:

Pending further congressional action it is to the interest of the Government to sell as much power as possible under the existing agreement.

So the Secretary of War sees no objection whatever to selling power and desires to sell additional power for use of the power companies, but now, after I offered my resolution on day before yesterday, although the answer to the telegram of the mayor of Muscle Shoals had been hanging fire, he gives as an excuse for not selling power to the municipality the statement that it would be in conflict with his agreement with the Alabama Power Co.

So we now find this to be the situation: The administration by one word could settle the Muscle Shoals problem; but the administration will not speak. As a result, power is being sold to the Alabama Power Co., and in the telegram which I have read, the Secretary of War makes the plain statement that there is some kind of agreement with the Alabama Power Co. that power will not be sold to anyone else. In truth, in a letter sent to me on January 31, the Secretary of War said:

It is believed that this duty has been performed by making annual agreements with the Alabama Power Co. for the exclusive right to purchase power from Wilson Dam.

But, in spite of that fact, the photostatic copy of the agreement with the Alabama Power Co. contains no such exclusive privilege. Now we see why it is desirable to prevent any Muscle Shoals legislation from passing; there is no question about it now.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. How much of the power does the Alabama Power Co. take?

Mr. BLACK. From about one-eighth to one-fifth.

Mr. CARAWAY. And the remainder of it goes to waste?

Mr. BLACK. The remainder of it goes to waste.

Mr. CARAWAY. Under what theory is the Alabama Power Co. objecting? I presume it does object, or else the Secretary of War, if he had its permission, would make a contract with some one else.

Mr. BLACK. I think the Senator is correct. The Secretary of War, if he had its permission and the permission of the administration, would do so. The Alabama Power Co. evidently objects, because it does not want any power sold to municipalities, for in that event they compete with the Alabama Power Co.

Mr. CARAWAY. Does the Alabama Power Co. supply power to municipalities that seek to get it?

Mr. BLACK. It supplies one municipality that seeks to get it.

Mr. CARAWAY. And what is the difference between what the company pays for the power and what it charges that municipality?

Mr. BLACK. The company pays from 2 mills per kilowatt-hour to 4 mills per kilowatt-hour, and it charges the municipality according to whether it is for industrial or domestic use, and according to the amount used. The municipality is charged somewhere, as I recall, from about 1 cent to 10 cents per kilowatt-hour.

Mr. CARAWAY. The industrial rate is 1 cent and the domestic rate is 10 cents?

Mr. BLACK. I have in my office the exact differences in the rates as fixed by the public service commission.

Mr. CARAWAY. Anyway, the charge to the municipality runs up to twenty times more than the company itself pays?

Mr. BLACK. Oh, yes; it does.

Mr. CARAWAY. With power going to waste, and with the knowledge that people are being charged 2,000 per cent above



the rate paid by the Alabama Power Co., the administration refuses to act?

Mr. BLACK. The administration not only refuses to act, but the administration, in my judgment, is absolutely a block to any action of the two bodies of Congress unless the power shall be continued to be given to the monopoly that has it now.

Mr. CARAWAY. The resolution under which the Alabama Power Co. purchases power does not give to the Secretary of War any right exclusively to dole out the power. Under what theory does he assume to do so?

Mr. BLACK. As I understand, the Secretary of War has charge of this project because it was built for military purposes.

Mr. CARAWAY. I understand that.

Mr. BLACK. Therefore, there is no limitation, of which I am aware, as to how it shall be sold.

Mr. CARAWAY. At least, there is not any authorization under which he may give to one particular person or corporation the exclusive right?

Mr. BLACK. From no source is there any such authorization.

Mr. CARAWAY. And yet, while other people are willing to pay as much or more, they are unable to get any power?

Mr. BLACK. Yes; that is correct.

Mr. CARAWAY. What was the offer of the municipality? Did it offer to pay the highest rate that the Alabama Power Co. pays?

Mr. BLACK. It offered to pay the highest rate paid by the Alabama Power Co., and when it could not then get it, it offered to pay more.

Mr. CARAWAY. And when an offer is made to pay more than is now received, the Secretary of War refuses to let the municipality have it?

Mr. BLACK. He does, and in this telegram he bases his refusal on two reasons, namely, on account of operating difficulties and conflict with the existing agreement.

Mr. CARAWAY. What are the "operating difficulties"?

Mr. BLACK. I can not imagine. He makes no proposition, but they have agreed to pay whatever the expense may be; they agree to make the necessary connections. As a matter of fact, the operating difficulties are that the Alabama Power Co. does not want the power sold to municipalities. That is the plain truth.

Mr. CARAWAY. Would the Secretary sell it to individuals? In other words, if somebody residing in the municipality would organize a company and offer to buy the power, and retail it to the municipality, would the Secretary sell to that company or would he insist that no one else might enjoy the right to purchase power from Muscle Shoals except the Alabama Power Co.?

Mr. BLACK. Since he says the Alabama Power Co. has the exclusive right, he can not sell it to anyone else.

Mr. CARAWAY. Was there any notice to the public that an exclusive right was to be given, although the company to whom the right was given did not take one-fourth of the power that was generated?

Mr. BLACK. I have a photostatic copy of the contract, and I have looked in vain for any provision which authorizes it to be construed as an exclusive contract with the Alabama Power Co.; the copy I have is the contract which was given out to the public.

Mr. CARAWAY. Will the Senator incorporate that in the Record?

Mr. BLACK. I shall be delighted to do so; and I ask permission to do so.

The VICE PRESIDENT. Without objection, it is so ordered. (The contract referred to will be found at the conclusion of Mr. BLACK's remarks.)

Mr. CARAWAY. Mr. President, I should like to ask the Senator another question. The contract was let, I presume, after public notice?

Mr. BLACK. I do not understand that it was; it was let by private correspondence, according to the contract which I have here.

Mr. CARAWAY. Then, so far the contract reveals no one else had an opportunity to bid?

Mr. BLACK. No one has ever heard of it if opportunity was afforded anyone else to bid.

Mr. CARAWAY. And now it is contended that is an exclusive contract?

Mr. BLACK. It is. It is contended that the people down there can not buy any of this power, because to let them have it would be in conflict with an existing agreement with the Alabama Power Co.

Mr. CARAWAY. I personally know Mr. Hurley, Secretary of War; I think he is a most excellent gentleman, and I feel perfectly sure that he is not only an excellent gentleman but a very fine business man.

Mr. BLACK. In other words, the Senator is of the opinion that the action taken reflects the viewpoint of the administration rather than the individual viewpoint of Mr. Hurley?

Mr. CARAWAY. The contract itself was made prior to Mr. Hurley's coming into office, was it not?

Mr. BLACK. The original contract was made in 1925.

Mr. CARAWAY. Of course, Mr. Hurley was not Secretary of War at that time.

Mr. BLACK. And it was amended on April 20, 1929, so that the Tennessee Power Co. could buy. Now they claim—

Mr. CARAWAY. Are the two companies affiliated? Have they some kind of a working understanding?

Mr. BLACK. They are all affiliated under some general scheme and plan of the Electric Bond & Share Co.

Mr. CARAWAY. The profits go into the same pocket, it makes no difference which company buys the power?

Mr. BLACK. The profits go to the same people.

Mr. President, just a few moments more, and I will finish. We find this strange situation: Legislation is held up in the Congress; and yesterday several of the Senators on the other side, including the Senator from Ohio [Mr. FESS], as I recall, and the Senator from Connecticut [Mr. BINGHAM] advanced the proposition, or at least acceded to the idea, as I understood, that the Senate should not permit the Congress to adjourn so long as the other House stood on an obstinate platform with reference to yielding on legislation under which the Government was to pay out money. In this case the House conferees take an obstinate position and decline to accede to a compromise by which millions of dollars would come into the Government Treasury. I am wondering—

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. Does anybody, so far as the record discloses, profit by this refusal upon the part of the House to legislate except the Alabama and Tennessee power companies?

Mr. BLACK. No other companies and no other individuals in America profit except their associated companies.

Mr. CARAWAY. And under the interpretation of the contracts nobody else may participate?

Mr. BLACK. That would be impossible, because, so long as legislation is held up, according to this statement, the Alabama Power Co. continues to have the exclusive privilege of buying the power, even though it uses only one-eighth; and the remainder has to go to waste.

Mr. CARAWAY. Then, as I understand, whoever takes the responsibility of holding up the legislation does so with the knowledge that no one except the Alabama Power Co. profits by it?

Mr. BLACK. That is correct.

Mr. CARAWAY. And that four-fifths of the potential power runs to waste, in order that that company may make a profit?

Mr. BLACK. That is correct, and, in addition to that, whoever takes the responsibility for holding up this legislation does it also with the knowledge that the Government, under a proper law, could sell all this power and make about \$4,000,000 a year for the benefit of the people of the United States.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. And we would have additional revenue which could be used in some way, to help compensate the disabled veterans, for instance?

Mr. BLACK. There is no question about that. With vetoes coming thick and fast on the ground of economy and on the ground that some poor disabled soldier may get a few dollars for himself and his hungry wife and babies, the administration remains silent and permits \$4,000,000 per year to go to waste in the form of power, for the benefit of the power companies, when the evidence shows that their associates made a profit of 3,012 per cent in the year 1927 on their investment in that company.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield.

Mr. McKELLAR. And, Mr. President, not only that, but I want to call attention, as I have done previously, to the present law which the President is disregarding in his management and control of the present plant. If the Senator will permit me under the original act it is provided:

And he [the President] is further authorized to construct, maintain, and operate at or on any site or sites so designated, dams, locks, im-



improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary, or convenient to the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products—

Omitting a portion, the act proceeds:

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

In other words, Mr. President, by the plain terms of this act the President is specifically directed to operate the electrical power plants that have been built down there, and he is specifically prohibited from operating those plants in conjunction with the Alabama Power Co.; and yet the President of the United States to-day is violating that law passed by the Congress and approved by the President, and is not only operating the plants in conjunction with the Alabama Power Co., but has turned them over to the Alabama Power Co. in the manner described by the Senator from Alabama and under the conditions he has stated!

Mr. BLACK. May I suggest to the Senator that that might be a proper matter for investigation by the law-enforcement commission.

Mr. McKELLAR. I should think it would be perfectly proper.

Mr. BLACK. Perhaps the Senator will offer a resolution to that effect.

Mr. McKELLAR. If the President is going to have law enforcement and law observance, why is he violating this law of Congress? Why is his Secretary of War violating this order of Congress?

I want to say that I know the Secretary of War, and he is a splendid man, and I doubt if this law has ever been called to his attention; but it ought to be, and I hope he will look into it more thoroughly and will take back the telegram that he has sent to the city of Muscle Shoals.

Mr. SWANSON. Mr. President—

Mr. BLACK. I yield to the Senator from Virginia.

Mr. SWANSON. It seems to me it has been disclosed by the statements made by the Senator from Alabama and the Senator from Tennessee that there is a gross violation of the law here; that they were directed to operate this plant themselves, and not in conjunction with anybody, and not to give anybody a monopoly.

From the statement made by the Senator from Alabama, it seems that this law is being grossly violated. It seems to me that these papers and letters and the whole matter should be referred to the Judiciary Committee to make an investigation and ascertain whether or not the will of Congress, as expressed in these statutes, has been grossly violated; whether secret agreements have been entered into contrary to the spirit of the law.

I suggest to the Senator to have the papers sent to the Judiciary Committee to ascertain these facts and report to Congress.

Mr. BLACK. I thank the Senator for his suggestion, and desire to say that I think it is an excellent one, and I shall seek to do that in just a moment.

I think I have made it fairly plain what the situation is. The plant is being operated, but it is being operated for the benefit of the power company. The people are being fleeced. The people are being robbed.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. Is it contended that the rate which the Alabama Power Co. pays for power covers the cost?

Mr. BLACK. They make no statement whatever about that.

Mr. CARAWAY. It would be interesting to find out what the facts are in that regard.

Mr. BLACK. It might be interesting, because of the fact that we find in the contract this statement:

Power substituted for Gorgas steam power, 2 mills per kilowatt-hour.

Power substituted for Gadsden steam power, 3 mills per kilowatt-hour.

Power substituted for nitrate plant No. 2 power, 4 mills per kilowatt-hour.

Mr. CARAWAY. Under what theory is that?

Mr. BLACK. I can not imagine what difference there would be in the cost of production of this power, whether it went to one purpose or another.

Mr. CARAWAY. From what I remember, as to at least one of those steam plants, the Alabama Power Co. insisted that it had an option to buy it, which it finally exercised—

Mr. BLACK. That is correct.

Mr. CARAWAY. Although no one who had ever spent two hours in looking into the subject believed that it had any valid option. It would be interesting, if the matter is sent to the committee for investigation, to have it ascertained whether or not this covers the cost of production, because it will be enlightening if it is found that it does.

Mr. BLACK. That is very interesting; and, since this has been referred to, it will be interesting for some committee to find out why power generated by the Government can be sold at a lower rate if it is substituted for power from one plant than if it is substituted for power from another plant.

The facts are these; they are plain; the man who runs can read them, and he who seeks to understand knows what the issue is. It is merely this: For some reason—I can not say why—the administration wants this power to be used for the benefit of the power companies, and the power companies alone. If Muscle Shoals legislation can be delayed in the future as it has been in the past, and the Alabama Power Co. continues to get about one-fifth to one-eighth of the power, it is hoped that the people will become disgusted with the long-continued discussion of a threadbare subject and will say, "Let them have it all."

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from Arkansas?

Mr. BLACK. I yield to the Senator.

Mr. CARAWAY. A contract was entered into by the people who were to be the beneficiaries of the Wright bill, if they should acquire this property, under which the Union Carbide Co. was to have 50,000 horsepower. The price it was to pay has been revealed. Does the Senator now recall what it was to pay for 50,000 horsepower?

Mr. BLACK. I do not recall how much it was per kilowatt-hour. As I recall, it was \$17 per horsepower year. I am not sure about that.

Mr. CARAWAY. Can the Senator translate that?

Mr. BLACK. I can not translate that into the other terms while I am on my feet. I should have to compute it.

Mr. CARAWAY. Will the Senator get that information and put it in the RECORD?

Mr. BLACK. I shall be glad to do so.

Mr. CARAWAY. It would be interesting to know how much more the Union Carbide Co. was willing to pay, if the Wright bill could be lobbied through Congress, than the Government is willing to accept from the Alabama Power Co. I should like to see the two rates compared.

Mr. BLACK. I think that is a good idea.

As to this other matter, it would be very interesting and very helpful if some of the Republican leaders like my good friend the Senator from Ohio [Mr. FESS] or the Senator from Connecticut [Mr. BINGHAM], who desire to keep both Houses in session until we vote whether we shall give the District of Columbia nine or ten million dollars, would also unite with us in attempting to keep both Houses in session until we stop this gross and flagrant waste, until we bring about legislation which is being blocked by the present administration. Is it more important to determine whether we shall contribute nine or nine and a half million dollars to the District of Columbia than it is to determine whether or not we shall continue to lose \$4,000,000 per year on power, whether the Alabama Power Co. shall continue to be the sole beneficiary of the people's money, and whether we shall attempt to save the farmers of the United States somewhere from ten to fifty million dollars upon their fertilizer bill?

Evidently it is far more important to keep both Houses sweltering in the hot summer time over whether the District of Columbia shall get nine or whether it shall get ten million dollars. In other words, the money is going out there; but the appeal I make is for these two bodies to stay in session until we get some kind of legislation which will prevent the daily drain on the Treasury of more than \$11,000 in power income alone from Muscle Shoals. Every day of delay means more than \$11,000 loss, even though we got only 2 mills per kilowatt-hour for it.

Mr. CARAWAY. Mr. President—

Mr. BLACK. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not the Senator think that back of that an even greater principle is at stake—whether the Government shall be a party to such a flagrant violation of the law and public opinion?

Mr. BLACK. I agree with the Senator. If we are to have appeals for law enforcement preached and sent broadcast throughout the country, why not begin at the top? If we are to have commissions to investigate this law and that law and its violation, why not also take the burden of the people from



them, at least in part, by obeying the plain mandate of the statute on the part of this administration?

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from Arkansas?

Mr. BLACK. I do.

Mr. CARAWAY. The Senator is not unmindful of the fact that right along a propaganda has gone throughout this country that has poisoned the mind of the average person to the effect that there is something wrong with Muscle Shoals and the Government's dealing with it; that there is some sinister influence that is able to hold up the Government and stay the hand of Congress and the administration, that private profit may accrue to certain power companies. Has the Senator observed that?

Mr. BLACK. There is no question about it. That is reflected in the press, and it is reflected in statements made publicly and privately, so that the public is beginning to wonder what is wrong in this Muscle Shoals controversy. It seems to me I am placing in the Record this morning a part of the evidence which shows what is wrong.

There has not been a more monumental conspiracy in this country since the days when the Government was robbed by the whisky ring in St. Louis and by the iniquitous ring that existed in this country in the Harding administration. Here we are with the power going to waste, with no genuine, bona fide effort being made to settle the matter. Why? It is not a matter of any interest to the power companies to settle it. As long as they can get an exclusive contract for one-eighth of the power, and permit the remainder to go to waste, why should they want a settlement?

Mr. CARAWAY. Mr. President, will the Senator pardon me for just one moment?

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from Arkansas?

Mr. BLACK. I yield to the Senator.

Mr. CARAWAY. It was developed in the course of an investigation that certain influences were refusing to finance developments of power in the Tennessee Valley unless they could be assured in advance that not a single bit of power generated at Muscle Shoals should be used as power. It must find some use in the chemical industry or in some other industrial way; it could not be permitted to be developed and used by the Government to compete with the power companies. The Senator is aware of that documentary evidence?

Mr. BLACK. I am fully aware of it, because they did not want any of it to compete with the power companies; and they have their wish to-day. You can not buy a kilowatt of it to compete with the power companies.

Mr. President, I desire to insert in the Record the entire letter of the Secretary of War to me of January 8, 1930.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I also desire to insert in the Record a photostatic copy of the entire contract made between the Alabama Power Co. and the Government, as modified April 20, 1929, together with a letter of the Chief of Engineers of May 3, 1929, accepting the contract.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I desire to insert at the same time the telegram from the Secretary of War, and a letter from the Secretary of War to me of January 31, 1930, concerning the contract.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I also desire to print in the Record my letter to the Secretary of War of December 17, 1929, to which one of these letters was an answer.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I desire also to request that these matters may be referred to the Judiciary Committee, with the hope that the Judiciary Committee will investigate and find out whether or not Muscle Shoals power is being sold in accordance with law.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The letters and other matter referred to are as follows:

BIRMINGHAM, ALA., April 20, 1929.

Maj. Gen. EDGAR JADWIN,

Chief of Engineers, United States Army, Washington, D. C.

DEAR SIR: I. Referring to the existing arrangement with the undersigned, Alabama Power Co., for the purchase of power at Wilson Dam, the company submits for your approval and that of the Secretary of War the following modified arrangement in lieu of the existing arrangement. It is believed that the following modified agreement is in accordance with our verbal agreement:

The power from Wilson Dam will be sold to the Alabama Power Co. at generator voltage up to January 1, 1930, and thereafter, subject to cancellation after December 31, 1929, by either the Engineer Depart-

ment, United States Army, or the Alabama Power Co. on 30 days' notice, at the following rates:

(a) Power substituted for Gorgas steam power, 2 mills per kilowatt-hour.

(b) Power substituted for Gadsden steam power, 3 mills per kilowatt-hour.

(c) Power substituted for nitrate plant No. 2 power, 4 mills per kilowatt-hour.

(d) Power transmitted or relayed to other public-utility power companies, 2 mills per kilowatt-hour.

2. The determination of the amount of power furnished under the different rates shall be made as follows:

(a) The total system generation for the day shall be plotted by the district engineer from statement furnished by the power company.

(b) The Alabama Power Co. hydrogeneration shall be plotted at the top of the diagram.

(c) The Wilson Dam generation shall be plotted immediately under the Alabama Power Co.'s hydrogeneration.

(d) So much of the Wilson Dam diagram as lies above 140,000 kilowatts shall be paid for at the rate for nitrate plant No. 2, viz, 4 mills per kilowatt-hour.

So much of the Wilson Dam diagram as lies between 130,000 and 140,000 kilowatts shall be paid for at the rate for the Gadsden steam plant, viz, 3 mills per kilowatt-hour.

And so much of the Wilson Dam diagram as lies below 130,000 kilowatts shall be paid for at the rate for the Gorgas steam plant, viz, 2 mills per kilowatt-hour.

Provided, however, that power transmitted or relayed to other public-utility power companies by the Alabama Power Co. shall be plotted at the top of the Wilson Dam diagram and shall be paid for at the rate of 2 mills per kilowatt-hour instead of at the rate determined as hereinbefore specified.

3. In consideration of your agreement to sell the power free of the right to cancel on 30 days' notice prior to January 1, 1930, the Alabama Power Co. agrees that during the calendar year 1929 it will take in the aggregate sufficient power at the rates specified to amount to at least \$500,000. If at midnight December 31, 1929, the amount of power taken during the calendar year 1929 does not amount in the aggregate of \$500,000, the company agrees that the payment due by it for the month of December, 1929, shall be for an amount which, added to the total amount due and paid for power taken during the calendar year 1929, will make an aggregate payment for that year of \$500,000.

4. The Alabama Power Co. shall furnish the district engineer, Florence, Ala., with all daily operating information necessary to compute the daily charges in accordance with paragraph 2 preceding and shall afford him or his representative proper facilities for checking the accuracy of such statements.

5. Should the availability of its own hydropower make the steam replacement requirements from Wilson Dam such that the payments therefor will be less than the direct operating costs, the right is reserved to reduce operations to one or two shifts.

6. It is understood that the Alabama Power Co. will utilize the available hydropower at Wilson Dam to a maximum in replacement of steam, and that the company normally will not operate its steam plants when Wilson Dam hydropower is available, except as may be necessary for voltage regulation, protection of its customers, and in case of breakdowns or line interruptions, and necessary testing on new 60,000-kilowatt unit at Gorgas, until the Wilson Dam plant is carrying a minimum of 80,000 kilowatts.

Yours truly,

ALABAMA POWER CO.,  
By E. A. YATES,  
Vice President.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, May 3, 1929.

MR. E. A. YATES,

Vice President Alabama Power Co., Birmingham, Ala.

DEAR SIR: Receipt is acknowledged of your letter of April 20, 1929, submitting on behalf of the Alabama Power Co. a proposal for a change in the existing agreement between the company and the United States for the purchase and sale of power at Wilson Dam.

The matter has been carefully considered by the department, and I am authorized by the Secretary of War to accept the company's proposal as set forth in the aforesaid letter.

Very truly yours,

EDGAR JADWIN,  
Major General, Chief of Engineers.

WASHINGTON, D. C., December 17, 1929.

HON. PATRICK J. HURLEY,

Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: Information received from your office is to the effect that the War Department is considering a new contract for the sale of power at Muscle Shoals. I am also informed that the proposition has been made to permit the Tennessee Power Co. to join the Alabama Power Co. in this contract of purchase.



Information has also reached me that the Tennessee Power Co. proposes to build a transmission line from Muscle Shoals to the city of Nashville, in the State of Tennessee.

It seems to me that the Government should not permit any contract to be made with the Tennessee Power Co. which would encourage that company to build this expensive transmission line. If the line carries power for only a short time, it is manifest that the tremendous cost of erecting the transmission line would not be justified. It would be an unfair tax upon the consumers of power. Some one must pay for that transmission line, and our experience tells us that the consumer is the one who bears the burden.

Certainly no one has the right to build an expensive transmission line upon the express assumption that the Tennessee Power Co. can secure a permanent contract for power at Muscle Shoals. Congress has not yet finally acted upon this question, and when definite action is taken by the Congress, all of the power might be used for the manufacture of fertilizer or for other purposes. I desire to protest most vigorously against any kind of governmental permission to erect a transmission line or to permit the Tennessee Power Co. to join the Alabama Power Co. in the temporary contract for Muscle Shoals power.

For your information I am also inclosing you an argument against permitting the Tennessee Power Co. to join this contract, which argument was sent to me by a citizen of Alabama. This raises certain technical questions, with which I am not wholly familiar, but which I believe you are entitled to have, in considering the question of granting this permission to the southern Tennessee Power Co.

It would also seem very strange to me for the War Department to grant permission for the Tennessee Power Co. to secure governmental power at Muscle Shoals and deny this privilege to the municipality of Muscle Shoals, Ala., located in close proximity to the Muscle Shoals power plant.

I will appreciate it if you will let me hear from you concerning the questions suggested in this letter and inclosed argument.

Very truly yours,

HUGO L. BLACK.

WAR DEPARTMENT,  
Washington, January 8, 1930.

Hon. HUGO L. BLACK,

United States Senate, Washington, D. C.

DEAR SENATOR BLACK: Replying to your letter of December 17, 1929, with regard to the construction of a transmission line from Nashville to Wilson Dam, I wish to advise that a permit was granted to the Southern Tennessee Power Co. on October 23, 1928, to erect, operate, and maintain an electric transmission line across the United States land at Wilson Dam, Muscle Shoals, Ala., but no permission has been granted to this company to connect the transmission line to the Government-owned substation at Wilson Dam, nor has any agreement been made with this company for procuring power from the station.

During the past year the Alabama Power Co. has sold to the Southern Tennessee Power Co. considerable energy, which has been delivered through existing transmission lines in the eastern part of Tennessee and Alabama. Much of this energy was generated at Wilson Dam and sold to the Alabama Power Co. under the agreement which is now in force. It is my opinion that the Southern Tennessee Power Co. intends to purchase power from the Alabama Power Co. in the future, and that the transmission line in question is being built to accomplish this purpose more efficiently.

Agreements with the Alabama Power Co. containing cancellation clauses for the protection of the Government in case congressional action is taken for more efficient use of the properties at Muscle Shoals have been in effect since September, 1925, and it is believed that the revenue obtained has been more than could have been secured by any other arrangement under the circumstances.

Pending further congressional action, it is to the interest of the Government to sell as much power as possible under the existing agreement, and I see no objection to granting permission to the Alabama Power Co. for the connection of the transmission line in question to the substation at Wilson Dam. Before such permission is granted the technical features will be thoroughly investigated and the Government's interests and property will be fully protected.

The request of the city of Muscle Shoals to purchase power from Wilson Dam was denied, because the amount required was not sufficient to compensate for the cost of additional equipment, the tying up of generating and distribution facilities, and the additional cost of operation and maintenance. The plant is not designed to serve a large number of retail customers, and it was therefore not considered to be to the interest of the Government to accept the offer of the city of Muscle Shoals.

Your attention is called to the fact that any arrangement made with the Alabama Power Co. is subject to immediate cancellation by the Secretary of War whenever legislation is passed which renders such cancellation necessary or desirable.

Sincerely yours,

PATRICK J. HURLEY,  
Secretary of War.

WAR DEPARTMENT,  
Washington, January 31, 1930.

Hon. HUGO L. BLACK,

United States Senate, Washington, D. C.

DEAR SENATOR BLACK: Receipt is acknowledged of your letter of January 15, 1930, referring to the sale of power from Wilson Dam.

With regard to the construction of a transmission line by the Southern Tennessee Power Co. in the vicinity of Wilson Dam, you are advised that this line is nearing completion and it is expected to be ready for operation within about 30 days. Since my letter of January 8 to you was written, a modified agreement for the sale of power during the year 1930 to the Alabama Power Co. has been consummated, and permission has been granted to that company to make a connection between the transmission line referred to above and the substation at Wilson Dam. This connection is to be made without expense to the Government. It is our understanding that through this connection the Alabama Power Co. will furnish Wilson Dam power to the Southern Tennessee Power Co.

The modified agreement contemplates the sale of power to the Alabama Power Co. at the same rates which were in effect during the year 1929, but the guarantee for the entire year has been raised from \$500,000 to \$560,000, this guarantee to be effective only if the agreement is not canceled prior to January 1, 1931. In case the agreement is canceled, monthly operating and maintenance expenses to the extent of \$16,000 per month are guaranteed for the months during which the agreement is in effect. The modified agreement may be canceled by the Secretary of War in case legislation is passed by Congress which makes such action necessary or desirable.

Pending the passage of legislation by Congress, it has been deemed the duty of this department to obtain as large a revenue as possible from the sale of power from Wilson Dam. It is believed that this duty has been performed by making annual agreements with the Alabama Power Co. for the exclusive right to purchase power from Wilson Dam.

This company is in possession of the only transmission and distribution system of magnitude in the vicinity, and is therefore in a better position to absorb the potential power than is any other agency. It must be recognized that any agreements have been subject to cancellation on very short notice, and for this reason the rates secured for power and the amount of power sold are very much less than would otherwise have been the case.

The matter of sale of power to the city of Muscle Shoals was given very careful consideration by this department and without prejudice. Representatives from the office of the Chief of Engineers were sent to the city of Muscle Shoals to make an investigation of the situation and to estimate upon the amount of power which could be economically absorbed in the community. The city of Muscle Shoals at that time was served by isolated plants having a total combined capacity of approximately 160 kilowatts, from which the daily consumption was not over 1,500 kilowatt-hours per day. The probable demand, as stated by the city of Muscle Shoals, was considered to be highly speculative and contemplated a very rapid and abnormal growth of industry induced by the promise of electric power at very low rates. Since any agreement for electric service would have been subject to frequent interruption and cancellation on short notice, it is extremely unlikely that industries would have been attracted by the possibility of obtaining cheap electric power under these conditions.

In connection with this matter, I wish to correct a statement contained in paragraph 5 of your letter concerning the amount of power guaranteed by the city of Muscle Shoals. The amount referred to was 10,000 kilowatt-hours per day, which, at a rate of 4 mills per kilowatt-hour, would total \$14,600 per year instead of \$350,400, as you have assumed.

As previously stated, the plant at Wilson Dam was not designed for distribution of retail power to small consumers. The generating units are of 25,000 and 35,000 horsepower capacity, and if these units are run at less than 13,500 horsepower load, pitting on the runners is very rapid. The agreement with the Alabama Power Co. is such that whenever the load drops below 13,500 horsepower the plant is shut down and the operators are not paid for the time they are off shift. Such interruptions occur very frequently and such service would not be satisfactory for municipal or industrial uses.

In view of the above, it is felt that the department has acted for the best interests of the Government in permitting the Alabama Power Co. to purchase the output from Wilson Dam and to make a connection with the Southern Tennessee Power Co. through the transmission line now under construction. It is also believed to have acted wisely in rejecting the request of the city of Muscle Shoals for the purchase of power directly from Wilson Dam.

Sincerely yours,

PATRICK J. HURLEY,  
Secretary of War.

FLORENCE, ALA., June 27, 1930.

Hon. HUGO L. BLACK,

United States Senate, Washington, D. C.:

Telegram received to-day, as follows:

"FORT MCPHERSON, GA., June 26, 1930.

"Mayor and Aldermen, Town of Muscle Shoals:

"Florence, Ala., reference telegram June 17 regarding your application for power from Wilson Dam. Pending congressional action, this

department considers it the best interest of the Government to continue present agreement with Alabama Power Co. and not to establish policy of retailing small amounts of power, both on account of operating difficulties and conflict with existing agreement. Tennessee Power Co. is purchasing power from Alabama Co. and not from Government direct.

"HURLEY,  
"Secretary of War, Washington."

Am forwarding original by mail.

W. F. MCFARLAND.

Mr. HOWELL. Mr. President, I would like to ask the junior Senator from Alabama [Mr. BLACK] if any evidence of a written contract giving an exclusive privilege to the Alabama Power Co. to the use of the power from Wilson Dam has been afforded him?

Mr. BLACK. The contract which has been afforded me, according to my interpretation, does not give an exclusive privilege, but a letter which was sent to me by the Secretary of War states that they did have an exclusive right to purchase the power.

Mr. HOWELL. Mr. President, two years ago, I think it was in 1927, a delegation came from Muscle Shoals to Washington, after Congress had adjourned, and visited my office. They stated that about 80 per cent or more of the firm or minimum power at Muscle Shoals was being wasted, and although they had applied to the Secretary of War and requested the privilege of a small amount of energy for use at Muscle Shoals and had offered 4 mills a kilowatt-hour for the energy, instead of 2 mills, the rate being paid by the Alabama Power Co., they had been refused the privilege of buying that power at Muscle Shoals.

I went with the delegation to the office of the Chief of Engineers of the Army, and in an interview I was informed that there was no exclusive right on the part of the Alabama Power Co. to the use of that power. I then asked why it was that they refused to afford Muscle Shoals the small amount of energy at twice the rate which the Alabama Power Co. was paying; why they would not allow Muscle Shoals that privilege under those circumstances. They stated that they did not like to incur the ill will of the Alabama Power Co. My reply was, "Wait until the Alabama Power Co. objects. The city of Muscle Shoals does not ask for a contract extending over a period of time. They merely ask that they may buy the power from month to month. Why not grant them the right to purchase the energy at 4 mills, or twice what the Alabama Power Co. is paying?" The answer was that it might be contrary to the policy of the administration.

Mr. President, in view of what was told me at that time, that there was no exclusive right on the part of the Alabama Power Co. to use that energy, I ask unanimous consent to offer the following resolution, and I will ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be reported.

The resolution (S. Res. 307) was read and agreed to, as follows:

*Resolved*, That the Secretary of War be, and is hereby, requested to furnish the Senate with the written agreement entered into with the Alabama Power Co. for the exclusive use of hydroelectric power generated at the Wilson Dam, Muscle Shoals.

#### AGRICULTURAL TARIFF RATES

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD an analysis made by Mr. Chester H. Gray on the tariff law now in operation.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., June 24, 1930.

Hon. SIMEON D. FESS,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR FESS: The American Farm Bureau Federation in its legislative activities at Washington for the last 18 months has been very active in securing such adjustments of agricultural tariff rates as have occurred to the farm bureau membership as being necessary to give the domestic market to the producers of our various farm crops.

Now that the tariff act of 1930 is operative it seems wise to give the farm bureau membership an analysis of the new law from an agricultural point of view. This is sought to be done in the attached letter to President Thompson and the State Farm Bureau Federations.

For your convenience I am calling your attention to the summary to be found on pages 8 and 9, which will give, I believe, the gist of the subject matter in the entire document.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,  
CHESTER H. GRAY,  
Washington Representative.

AMERICAN FARM BUREAU FEDERATION,  
Washington, D. C., June 21, 1930.

TO PRESIDENT THOMPSON AND THE STATE FARM BUREAU:

The objective of the American Farm Bureau Federation in tariff-adjustment matters has been not to destroy protection, but to secure it for farm crops, so that farmers might profitably enjoy supplying the domestic market. There have been two methods or yardsticks which we have used in measuring the extent of protection which is being granted farm products. One method is that of comparing agricultural rates of duty with industrial ones to see how much of the spread or difference of protection which heretofore has existed between agricultural and industrial commodities has been eliminated. The other method is that of ascertaining the extent of increases on agricultural products in the act of 1930 over the act of 1922, both in farm crops considered as a whole and in groups of commodities.

The tariff policies of the American Farm Bureau Federation seem to accent the idea that farmers may sell themselves rich in the domestic market. Much less thought is given in the Farm Bureau to the idea of so adjusting tariff rates that farmers can buy themselves rich. The average American farmer seems to think that if he can be protected against his foreign competitors he need not be so much concerned about the buying end of the farm game.

On May 21, 1929, there was sent you an analysis of the tariff bill as passed by the House of Representatives. Again, on September 12 another analysis was supplied you relative to the bill as it was reported by the Senate Finance Committee. Neither of these analyses showed that the bill was satisfactory to us.

Now we have a third opportunity to measure the effectiveness of the tariff bill since it has become law, and all its rates and provisions are definitely known. It is necessary to determine in all of our tariff considerations what products shall be listed as agricultural and what ones as industrial. The result obtained by any comparative computation of tariff rates will depend upon the classification of the products in the tariff act.

The Farm Bureau definition of an agricultural product in tariff matters is one upon which the farmer is the prime beneficiary of a rate of duty. Our definition of an industrial product is one upon which a processor is the prime beneficiary of a rate of duty. This is a severe separation of agricultural and industrial products, but its very severity makes for clearness of comparison of agricultural and industrial rates. Such definitions do not permit the classifying of products as agricultural unless they really are such that the farmer is the one most concerned in their profitable sale. There is listed as Table I in the Appendix herewith attached the complete classification of products used in this letter.

Your attention is now called to Tables I-A and I-B, found in the Appendix. In these tables, as well as in all others presented herein, the values of imports and duties are taken from data of the Tariff Commission.

Summary of Tables I-A and I-B

Computed ad valorem rate—	Industrial products	Agricultural products
	Per cent	Per cent
In act of 1930.....	42.83	33.94
In act of 1922.....	37.35	22.37
Increase.....	5.48	11.57
Per cent of increase above 1922 base.....	14.6	51.6

It will be seen from the summary of these tables that the industrial rate in the act of 1930 has an increase of 5.48 points above the 1922 rate. We note an agricultural rate increase in the act of 1930 compared to the act of 1922 of 11.57 points. In other words, the agricultural rates have increased a bit more than twice as much as the industrial rates. It will be seen from this table also that the per cent of increase above the 1922 base for the industrial rates is 14.6 per cent; for the agricultural rates the per cent of increase above the 1922 base is 51.6 per cent. This shows that the per cent of increase over the 1922 base for agricultural products has been raised three and fifty-three one-hundredths times as much as has the per cent of increase over the 1922 base for industrial products—a most natural and expected development since farm crops started at a much lower level of protection than did industrial products.

A further comparison of Tables I-A and I-B is interesting to see how much of the spread or difference of protection between industrial and agricultural products has been eliminated in the act of 1930 compared to the act of 1922. One might conclude, superficially, with the per cent of increase over the 1922 base on farm rates going up about three and one-half times faster than on industrial ones, that the elimination of the spread of protection would be automatic. But the low level of agricultural rates and the comparatively high level of industrial rates at the start make it difficult for farm rates to catch up with industrial ones, even when the latter are moving upward much slower than the former.



Spreads (from Tables I-A and I-B)

Computed ad valorem rate on—	Act of 1922	Act of 1930	Excess of 1922 spread over 1930
	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
Industrial products.....	37.35	42.83	-----
Agricultural products.....	22.37	33.94	-----
Spread.....	14.98	8.89	6.09

From the table just above one can note that the rate on industrial products in the act of 1922 exceeded the rate on agricultural products by 14.98 points. In the act of 1930 industrial products exceeded agricultural products in their rates of duty to the extent of 8.89 points. In other words, the excess of the 1922 spread over the 1930 spread was 6.09 points. This is 40.6 per cent elimination of the spread which existed between agricultural and industrial products in 1922.

If sugar and butter should be added to the list of agricultural products and subtracted from the first processed forms of agricultural products, a very different result would be obtained than that just above noted. Many farmers consider these two products as being as much agricultural in character as corn is, for instance, but in the severe classification of products formerly referred to in this letter and itemized in Table I of the appendix, these two products are considered as being processed commodities rather than agricultural ones. If one cares to list them in the agricultural products, the spread of protection between agriculture and industry is completely eliminated.

Much, perhaps half, of the work by the American Farm Bureau Federation on tariff matters during the formation of the act of 1930 has been applied to securing higher rates of duty on the processed or manufactured forms in which farm crops often are sold. We realize that a duty on an agricultural product is usually only partially effective if corresponding duties are not levied on the processed forms of the same commodity. This being so, we are interested in knowing what the situation in the new tariff act is in regard to duties on the first processed forms of the agricultural commodities. The farmer undoubtedly gets a great benefit—no one can decide arbitrarily how much or how little—from these duties in the way of a steadier and more dependable domestic market for his farm products, as well as in a larger profit for his year's sales to the processors who put his crops into shape for consumption.

In Tables II-B and II-C, to be found in the appendix, very careful tabulation is given of the first processed forms of agricultural commodities grouped with agricultural products and consequently taken from the industrial products. Since, as above stated, the farmer gets much benefit from the rates on his commodities when processed, it is necessary to summarize the results obtained when agricultural products, plus their first processed forms, are compared to all other items in the tariff act. It should not fail to be noticed that only the "first" processed form is included in this computation. We do not pretend to follow a farm crop into all its devious manufactured forms and maintain that the farmer shares equally with the manufacturer in tariff benefits. But on the first processed form of a farm crop the farmer undoubtedly gets the lion's share of a tariff benefit. This is particularly true where cooperative associations are active in securing participating contracts between grower and processor, or where such associations market the products of their members. Both of these developments are growing rapidly.

Summary of Tables II-B and II-C

Computed ad valorem rate—	Industrial products less first processed forms of agriculture	Agricultural products plus first processed forms
	<i>Per cent</i>	<i>Per cent</i>
In act of 1930.....	37.42	45.12
In act of 1922.....	33.85	34.17
Increase.....	3.57	10.95
Per cent of increase above 1922 base.....	10.5	32.04

When this sort of comparison is made it is seen that the industrial products have a rate increase in the 1930 act over 1922 of 3.57, while agricultural products have an increase of 10.95 points. Turned into percentages relating to the 1922 bases these increases above the 1922 bases give for industrial products 10.5 per cent and for agricultural products 32.04 per cent. These figures show that when the first processed forms of agricultural products are considered along with agricultural products and compared to industrial products less the first processed forms of agriculture, approximately three times as much increase is noted above the 1922 bases on agricultural as on industrial products.

Again comparing Tables II-B and II-C in regard to the elimination of spread of protection between agriculture and industry we find the following condition to exist:

Spreads from Tables II-B and II-C

Computed ad valorem rate on—	Act of 1922	Act of 1930	Excess of 1930 spread over 1922
	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
Agricultural products plus first processed forms.....	34.17	45.12	-----
Industrial products less first processed forms of agriculture.....	33.85	37.42	-----
Spread.....	.42	7.70	7.28

The difference between the rate of duty on agricultural products plus the first processed forms thereof and industrial products less the first processed forms of agriculture in the act of 1922 was only 0.42 of 1 point. In the act of 1930 this difference had grown to 7.70 points. Consequently the excess of the 1930 spread between agricultural and industrial products over the act of 1922 is 7.28 points. Stating this differently, it means that when the farmer's welfare is considered not only from the rates of duty on the crops which he himself sells but also upon those which find the market as the first processing of his crops, the elimination of the spread between agriculture and industry is more than completed. In fact, from this point of view agricultural products, starting with 0.42 point in the act of 1922 and gaining 7.70 points in the act of 1930, now stand 8.12 points better protected than industry. Granting that the farmer does not get all of the tariff benefits accruing from duties on processed agricultural products, it will be seen that he does not need to get all of such benefits in order to be on an approximate tariff equality with industry, since his products with their first processed forms are noticeably higher in rates than is industry without such first processed forms of agriculture.

Having now in this letter given some attention to the increased rates on agricultural products as a whole, and to the elimination of the protective spread, it is next in order to study the increases on groups of farm crops. In Tables III-A, III-B, and III-C, to be found in the appendix, practically all the commodities in which we have expressed our interest along tariff lines are listed in appropriate groupings. It will be noted in studying these three tables, whether one considers the agricultural product itself or its first processed form, that increases have been granted in every instance. These increases vary considerably, being as low as 1.28 for garden and flower seeds and as high as 38.29 for vegetables.

Bearing in mind that the average increase for all agricultural products in the act of 1930 over the act of 1922 is 11.57 points (see summary of Tables I-A and I-B), it is worth noticing that certain groups of agricultural products go beyond this average. These groups are dairy products, field and grass seed, vegetables, oil-bearing seeds, long-staple cotton, sugar, and molasses. The groups which fall below the general average of farm rates are poultry and eggs, grain, nuts, garden and flower seeds, wool, and fiber flax. The remaining groups are so near the general average of increase as to make their mention unnecessary.

When the agricultural products and their first processed forms (see Table III-C) are taken together in groups, we find that livestock with meat and meat products, dairy products, nuts, vegetables, and long-staple cotton have been increased beyond the 11.57 points of increase for agricultural products. Poultry and poultry products, grain and grain products, seeds, oil-bearing seeds and oils, wool, flax and hemp, and sugar and molasses fall below the general average of increase for agricultural products.

Summary of Tables III-A, III-B, and III-C

Groups	Increase on agricultural products from III-A	Increase on first processed forms from III-B	Increase on agricultural products plus first processed forms from III-C
Livestock.....	10.82	17.73	12.96
Dairy.....	22.43	9.31	11.74
Poultry.....	4.47	7.94	7.29
Grain.....	5.22	6.51	6.41
Fruits.....	10.41	13.13	11.21
Nuts.....	9.54	15.34	13.33
Vegetables.....	38.29	21.24	32.57
Oil-bearing seeds and fats and oils.....	12.10	5.08	9.29
Wool.....	4.04	9.59	4.23
Flax and hemp.....	3.41	2.46	2.82
Sugar and molasses.....	24.54	9.19	9.42

It is worthy of mention that in the above summary of Tables III-A, III-B, and III-C, one can not help observing that dairy products have

a fine increase of 22.43 points. However, the first processed forms of dairy products are shown to have only 9.31 points of increase. Now, tracing these two percentages of increase into the third column, we find the composite increase on both dairy products and their first processed forms is 11.74 points. Here is a case where the farm product is rather fairly treated, but further along the line of protection it seems such adequate consideration was not given.

The reverse condition is found in a study of livestock and meat products. On livestock itself in the first column the increase is 10.82 points; on meat products in the second column the increase is 17.73 points. The composite increase as shown in the third column is pulled down to 12.96 points. Could the rate on livestock have been made as high as that on meat products it would be better; but the higher rate on meat products will benefit the producer who sells livestock.

A most startling result is seen in studying the increase on sugar and molasses in the above summary. Sugar and molasses, as agricultural products, have been increased 24.54 points; the first processed forms of sugar and molasses have an increase of only 9.19 points. The result is that the composite increase is only 9.42 points.

It is needless to extend these comparisons since they are easily made by anyone who studies the three columns of increases in the above table. One thing must be observed, however, in relation to this table, which is that there should be a balance in the protective rates that are levied on agricultural products and on the first processed forms of agricultural products, or else the lack of balance may destroy the intent of getting more adequate protection. A low rate on the processed agricultural product usually has the effect of minimizing the benefit of even a high rate on the agricultural product itself, since the foreign-grown product is then imported in its processed form. Similarly a low rate on an agricultural product combined with a high rate on its processed form is a bad combination, as then the foreign product comes in as raw material.

A letter of information in regard to the tariff act of 1930, which this communication purports to be, would not be complete without a brief mention of the administrative and miscellaneous provisions as contained in that act:

(a) The flexible tariff provision has been retained; it has been made more flexible; its definitions of transportation costs are a bit more exact than in the act of 1922; its somewhat more definite recognition of the function and powers of the Tariff Commission will give that body more latitude in adjusting rates as economic conditions change; the modification of the cost of production formula so that it is not the sole basis upon which rates can be made higher or lower; all these are in approximate accord with the position of the American Farm Bureau Federation. It is unfortunate that the Tariff Commission, which is the functioning body relative to flexibility of tariff rates, is left as a bipartisan even-numbered group since this condition promotes deadlocks.

(b) Domestic valuation rather than a continuation of the foreign valuation is recognized, in that a study is to be made of the question by the Tariff Commission as the basis of further action by Congress. This was recommended by the American Farm Bureau Federation. Whenever the shift is made from the foreign basis of valuation to the domestic basis, the ad valorem rates of duty will need to be scaled down to the extent that the domestic value exceeds the foreign value, so that the amount of duties on a commodity will be the same under one basis of valuation as under the other.

(c) The drawback on flour is eliminated from the tariff act of 1930, which is exactly in accord with the Farm Bureau position upon this matter.

(d) The preferential rate on exports of flour milled in bond will be neutralized when such flour is sent to a foreign country, like Cuba, by the requirement of paying a duty equal to the amount of reduced duty granted by such foreign country. This provision was supported by the American Farm Bureau Federation.

(e) The total abolishment of the preferential trade agreement with Cuba is not incorporated in the present law, as was requested by the American Farm Bureau Federation, and perhaps could not well be, since it is a matter for separate congressional action.

(f) Section 301, dealing with the products of the Philippine Islands and giving them free entry to our Nation, continues as in the act of 1922. The American Farm Bureau Federation asked independence for the Philippines, which will be a matter for early consideration next winter in separate legislation now reported from committee.

## SUMMARY

1. The increase of protection on agricultural products in the act of 1930 compared to the act of 1922 is 11.57 points. (See Summary of Tables I-A and I-B.)

2. The increase of protection on industrial products in the act of 1930 compared to the act of 1922 is 5.48 points. (See Summary of Tables I-A and I-B.)

3. The percentages of increase above the 1922 bases are 14.6 per cent and 51.6 per cent, respectively, for industrial and agricultural products, or 3.53 times as fast for agriculture as for industry. (See Summary of Tables I-A and I-B.)

4. The increase of protection on agricultural products plus their first processed forms in the act of 1930 compared to the act of 1922 is 10.95 points. (See Summary of Tables II-B and II-C.)

5. The increase of protection on industrial products, not including first processed forms of agricultural products, in the act of 1930, compared to the act of 1922 is 3.57 points. (See Summary Tables II-B and II-C.)

6. The percentages of increase above the 1922 bases are 10.5 per cent and 32.04 per cent, respectively, for industrial products, less first processed agricultural forms, and agricultural products plus first processed forms, or three and five one-hundredths times as fast for the latter as for the former. (See Summary of Tables II-B and II-C.)

7. The increase, 5.48 points (see Summary of Table I-A and I-B), on all industrial products is greater than the increase, 3.57 points (see Summary of Tables II-B and II-C), on industrial products less the first processed agricultural forms; thus showing that more attention has been given to the first processed form of agricultural products than to the general run of industrial products.

8. The increase of 11.57 points on agricultural products (see Summary of Tables I-A and I-B) is greater than the increase, 10.95 points (see Summary of Tables II-B and II-C), on agricultural products plus first processed forms; thus showing that agricultural products have been given more attention than is accorded the first processed forms.

9. The elimination of spread of protection between all agricultural products and all industrial products is 40.6 per cent. (See Spreads from Tables I-A and I-B.)

10. The inclusion of sugar and butter as agricultural products rather than as processed commodities shows a 100 per cent elimination of the spread of protection between agriculture and industry. (See Spreads from Tables I-A and I-B.)

11. The elimination of spread of protection between agricultural products plus their first processed forms and industrial products less the first processed forms of agriculture is 8.12 points more than complete. (See Spreads from Tables II-B and II-C.)

12. Increases of varying sizes are given in the rates on every group of agricultural products. (See Summary of Tables III-A, III-B, and III-C.)

It is hoped the information contained in this letter may be of assistance to you in forming your conclusions relative to the tariff act of 1930.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,  
CHESTER H. GRAY,  
Washington Representative.

## EXHIBIT

TABLE I.—Classification of dutiable products

(Does not include items on free list or items on which rates of duty are not comparable in the act of 1922 and the act of 1930)

Schedule No. and description	Agricultural products	First-processed forms of agricultural products	Industrial products
I. Chemicals, oils and paints.	None.....	Oils; casein; starches; dextrine; inedible citrus juices; citrate of lime; citric acid; lactic acid; butyl alcohol; ethyl alcohol.	All other articles in this schedule.
II. Earths; earthenware; glassware.	do.....	None.....	All articles in this schedule.
III. Metals and manufactures of.	do.....	do.....	Do.
IV. Wood and manufactures of.	Logs.....	Maple, beech, and birch flooring; brier; ivy, and laurel root in blocks; sawed cabinet woods; split bamboo; wood flour; willow or osier for basket making; wood skewers; plain baskets; partly manufactured woods.	All other articles in this schedule.
V. Sugar, molasses, and manufactures of.	Edible molasses and sugar sirup, maple sugar, maple sirup; sugarcane.	Cane sugar; beet sugar; blackstrap molasses; dextrose and dextrose sirup; rare sugars; salicin.	Colored refined sugar; sugar candy; confectionery.



TABLE I.—Classification of dutiable products—Continued

(Does not include items on free list or items on which rates of duty are not comparable in the act of 1922 and the act of 1930)

Schedule N and descripto.	Agricultural products	First-processed forms of agricultural products	Industrial products
VI. Tobacco and manufactures of.	Unstemmed wrapper tobacco; unstemmed filler tobacco; other leaf tobacco, unstemmed.	Stemmed wrapper tobacco; stemmed filler tobacco; unmanufactured scrap tobacco; cut tobacco stems.	Cigars; cigarettes; snuff; snuff flour; cut tobacco stems; other manufactured tobacco, n. s. p. f.
VII. Agricultural products and provisions.	Cattle, sheep, lambs, goats, swine, horses, mules, and other live animals; whole milk; sour milk; butter-milk; cream; live poultry and other live birds; eggs in the shell; honey; barley; buckwheat; corn (including cracked corn); oats; rough rice; rye; wheat; apples, green or ripe; apricots, green, ripe, dried, or in brine; dates, fresh or dried; grapes; raisins; other dried grapes; currants; lemons; limes; oranges; grapefruit; green or ripe olives in brine; dried ripe olives; cherries in natural state; figs, fresh, dried or in brine; berries, natural or in brine; peaches and pears, green or ripe; pineapples in bulk or crates; plums, prunes or prunelles, dried, green, ripe or in brine; flower bulbs, plants, roots, stocks, etc.; cut flowers; seedlings, cuttings, and layers of fruit trees, fruit vines, fruit plants and fruit bushes; ornamental propagating stocks and plants; unshelled nuts; locusts; pignolia nuts; pistachio nuts; castor beans; flaxseed; poppyseed; sunflower seed; apricot and peach kernels; soybeans; cottonseed; field and grass seed, including alfalfa, clovers, etc.; garden and flower seeds; beans, green or dried; cowpeas; sugar beets; and other beets; lentils; lupines; fresh mushrooms; peas, green or dried; dried chickpeas; onions; garlic; white potatoes; fresh tomatoes; turnips; cabbage, acorns, chicory, and dandelion roots, crude; hay; straw; broomcorn; hops; unground spices and spice seeds; tannins; long staple cotton.	Meats; tallow, oleo stearin; oleo oil; lard; lard substitutes; malted milk and milk or cream compounds; cream powders; whole milk powder; skimmed milk powder; butter; condensed or evaporated milk; cheese; poultry and game birds, dressed or undressed; canned game birds; poultry, prepared; frozen eggs and dried eggs; barley malt; pearled barley; barley flour and patent; buckwheat flour; cornmeal, flour, grits, etc.; unrolled ground oats; oatmeal; rolled oats, grits, etc.; uncleaned rice, free from outer hulls; clean rice; broken rice; rice flour, meal, polish, bran, etc.; rye flour, wheat flour; wheat grits; semolina, crushed wheat, etc.; grain flour; bran, shorts and other mill feeds; grain hulls; dried beet pulp, malt sprouts and brewers' grain; mixed feeds; oil cake and oil-cake meal; screenings; cereal breakfast foods; apples, dried or otherwise prepared; apricots, prepared (other than dried or in brine); berries, dried or otherwise prepared; cherries, pitted, maraschino, or otherwise prepared; orange and lemon peel, crude, dried or prepared; citron and citron peel, crude, dried or prepared; figs and dates, prepared (other than dried); cider; vinegar; pitted or stuffed olives; peaches and pears, dried or otherwise prepared; pineapples, prepared; plums, prunes, and prunelles, prepared (other than dried); jellies, jams, marmalades, fruit butters, etc.; fruits, n. s. p. f., fresh, dried, or otherwise prepared; shelled nuts; nut pastes; nuts, pickled or otherwise prepared; coconut meat; beans and peas, canned or otherwise prepared (other than dried); split peas; tomatoes, canned or otherwise prepared; mushrooms, dried or canned; dried potatoes and potato flour; other vegetables, n. s. p. f., cut, sliced or prepared in any manner; bean cake, miso, etc., prepared horseradish, sauerkraut; pimentoes; pickles or cucumbers; sauces; prepared soybeans; pastes, soups, etc.; prepared acorns, chicory, dandelion roots and ginger root; hop extract and lupulin; spices, ground or otherwise prepared; mixed spices in packages.	Biscuits, wafers, cakes, puddings, etc.; macaroni, noodles, etc.; cocoa; chocolate; cacao butter; coffee substitutes; rice straw and rice fiber; fish, fresh, dried, smoked, canned, salted, frozen, or otherwise prepared; crabmeat; fish-paste and sauce; caviar; edible fish roe; canned clam.
VIII. Spirits, wines and other beverages.	None.	None.	All articles in this schedule.
IX. Cotton, manufactures of.	do.	do.	Do.
X. Flax, hemp, jute, manufactures of.	Flax straw; unhackled flax; unhackled hemp.	Hackled flax; flax tow; hackled hemp.	All other articles in this schedule.
XI. Wool and manufactures of.	Carpet, clothing, and combing wools, on the skin, in the grease, or washed; hair of the Angora goat, Cashmere goat, alpaca, and other like animals, on the skin, in the grease, or washed.	Carpet, clothing, and combing wools, scoured; hair of the Angora goat, Cashmere goat, alpaca and other like animals, scoured.	Do.
XII. Silk and silk goods.	None.	None.	All articles in this schedule.
XIII. Rayon manufactures.	do.	do.	Do.
XIV. Papers and books.	do.	do.	Do.
XV. Sundries.	Cattle hides; buffalo hides; kip skins; calfskins.	Leathers made from hides of cattle and calves, including upholstery leather; bag, strap, case, and football leather; upper leather (cattle) calf and kip leather; lining leather (calf and kip only), patent upper leather; sole leather; leather cut into soles; harness leather; and belting leather.	All other articles in this schedule.

TABLE I-A.—Agricultural products

Schedules	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rate, act of 1922	Computed ad valorem rate, act of 1930
	(1)	(2)	(3)	(2÷1)	(3÷1)
I.....	None.	None.	None.	None.	None.
II.....	None.	None.	None.	None.	None.
III.....	None.	None.	None.	None.	None.
IV.....	\$944,706	\$65,705	Free.	0.07	Free.
V.....	2,557,000	616,045	\$1,243,371	24.09	48.63
VI.....	44,368,729	30,612,771	31,669,177	69.00	71.33
VII.....	176,189,789	29,675,774	58,261,318	16.84	33.07
VIII.....	None.	None.	None.	None.	None.
IX.....	None.	None.	None.	None.	None.
X.....	1,491,368	71,202	121,990	4.77	8.18
XI.....	38,068,943	16,149,691	17,684,966	42.42	46.46
XII.....	None.	None.	None.	None.	None.
XIII.....	None.	None.	None.	None.	None.
XIV.....	None.	None.	None.	None.	None.
XV.....	81,446,857	Free.	8,144,686	Free.	10.00
Total.....	345,067,392	77,191,188	117,125,508	22.37	33.94

TABLE I-B.—Industrial products

Schedules	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rate, act of 1922	Computed ad valorem rate, act of 1930
	(1)	(2)	(3)	(2÷1)	(3÷1)
I.....	\$94,752,897	\$27,688,949	\$29,748,153	29.22	31.40
II.....	55,921,814	25,511,007	29,995,159	45.62	53.64
III.....	118,658,708	40,003,772	41,537,296	33.71	35.01
IV.....	16,143,361	4,125,651	4,139,242	25.56	25.64
V.....	172,202,643	117,956,034	133,696,217	68.49	77.64
VI.....	17,940,835	8,702,020	8,702,020	48.48	48.48
VII.....	146,619,003	34,448,630	50,245,500	23.50	34.27
VIII.....	1,433,616	523,045	680,069	36.48	47.44
IX.....	48,300,609	19,451,364	22,422,198	40.27	46.42
X.....	131,716,123	24,120,500	25,378,935	18.30	19.27
XI.....	78,274,483	41,486,950	51,924,275	53.00	66.34
XII.....	32,440,182	18,348,161	19,181,350	56.56	59.13
XIII.....	11,425,596	6,019,359	6,126,964	52.68	53.62
XIV.....	20,666,437	5,113,098	5,385,775	24.74	26.06
XV.....	246,067,935	71,959,625	81,553,821	29.24	33.14
Total.....	1,192,563,305	445,458,195	510,716,944	37.35	42.83

TABLE II-A.—First-processed forms of agricultural commodities

Schedules	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rate, act of 1922	Computed ad valorem rate, act of 1930
(1)	(2)	(3)	(2+1)	(3+1)	
I.....	\$29,544,037	\$8,495,844	\$10,871,623	28.76	36.80
II.....	None.	None.	None.	None.	None.
III.....	None.	None.	None.	None.	None.
IV.....	1,446,251	299,325	384,159	20.70	26.56
V.....	171,546,888	117,573,821	133,313,974	68.66	77.85
VI.....	14,352,942	6,439,249	6,439,249	44.86	44.86
VII.....	91,120,958	21,951,767	34,702,867	24.10	38.08
VIII.....	None.	None.	None.	None.	None.
IX.....	None.	None.	None.	None.	None.
X.....	2,459,800	116,133	176,691	4.72	7.18
XI.....	1,362,902	679,999	810,714	49.89	59.48
XII.....	None.	None.	None.	None.	None.
XIII.....	None.	None.	None.	None.	None.
XIV.....	None.	None.	None.	None.	None.
XV.....	24,698,566	50,344	3,563,843	0.20	14.43
Total.....	325,232,344	155,616,502	190,263,120	46.28	56.59

TABLE II-B.—Agricultural products plus their first-processed forms

Schedules	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rate, act of 1922	Computed ad valorem rate, act of 1930
(1)	(2)	(3)	(2+1)	(3+1)	
I.....	\$29,544,037	\$8,495,844	\$10,871,623	28.76	36.80
II.....	None.	None.	None.	None.	None.
III.....	None.	None.	None.	None.	None.
IV.....	2,390,957	365,030	384,159	15.27	16.07
V.....	173,803,888	118,189,866	134,557,345	68.00	77.42
VI.....	58,721,671	37,052,020	38,108,426	63.10	64.90
VII.....	267,310,747	51,637,661	92,964,155	19.32	34.78
VIII.....	None.	None.	None.	None.	None.
IX.....	None.	None.	None.	None.	None.
X.....	3,951,168	187,335	298,681	4.74	7.56
XI.....	30,431,845	16,829,690	18,495,680	42.68	46.91
XII.....	None.	None.	None.	None.	None.
XIII.....	None.	None.	None.	None.	None.
XIV.....	None.	None.	None.	None.	None.
XV.....	106,145,423	50,344	11,708,529	0.05	11.03
Total.....	681,299,736	232,897,690	307,388,628	34.17	45.12

TABLE II-C.—Industrial products less first-processed forms of agriculture

Schedules	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rate, act of 1922	Computed ad valorem rate, act of 1930
(1)	(2)	(3)	(2+1)	(3+1)	
I.....	\$65,208,860	\$19,193,105	\$18,876,530	29.43	28.95
II.....	55,921,814	25,511,007	29,995,159	45.62	53.64
III.....	118,658,708	40,003,772	41,537,266	33.71	35.01
IV.....	14,697,110	3,826,326	3,755,083	26.03	25.55
V.....	955,755	382,243	382,243	39.99	39.99
VI.....	3,596,953	2,262,771	2,262,771	62.91	62.91
VII.....	55,498,048	12,486,843	15,542,633	22.50	28.01
VIII.....	1,433,616	523,045	680,069	36.48	47.44
IX.....	48,300,609	19,451,364	22,422,198	40.27	46.42
X.....	129,256,323	24,004,357	25,202,244	18.57	19.50
XI.....	76,911,581	40,806,951	51,113,561	53.06	66.46
XII.....	32,440,182	18,348,161	19,181,350	56.56	59.13
XIII.....	11,425,596	6,019,359	6,126,964	52.68	53.62
XIV.....	20,666,437	5,113,098	5,385,775	24.74	26.06
XV.....	221,359,369	71,909,281	77,989,978	32.49	35.23
Total.....	856,330,961	289,841,693	320,453,824	33.85	37.42

TABLE III-A.—Principal groups of agricultural products

Groups	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rates in act of—	Increase
(1)	(2)	(3)	(2+1)	(3+1)	
Livestock.....	\$103,237,244	\$4,130,038	\$15,299,862	4.00	14.82
Dairy products.....	6,893,762	862,989	2,409,604	12.52	34.95
Poultry and eggs.....	1,676,064	415,197	490,086	24.77	29.24
Grain.....	1,464,487	294,149	370,692	20.09	25.31
Fruit.....	15,428,109	4,500,561	6,106,601	29.17	39.58
Nuts.....	8,222,063	1,848,692	2,633,090	22.48	32.02

TABLE III-A.—Principal groups of agricultural products—Continued

Groups	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rates in act of—	Increase
(1)	(2)	(3)	(2+1)	(3+1)	
Seeds:					
Field and grass.....	\$5,087,909	\$978,673	\$1,780,526	19.24	35.00
Garden and flower.....	2,674,167	484,891	519,170	18.13	19.41
Both.....	7,762,076	1,463,564	2,299,696	18.86	29.63
Vegetables.....	22,264,857	6,017,752	14,544,100	27.03	65.32
Oil-bearing seeds.....	36,835,664	7,823,597	12,282,086	21.24	33.34
Long-staple cotton.....	30,979,549	Free.	7,455,035	Free.	24.05
Wool.....	38,068,943	16,149,691	17,684,966	42.42	46.46
Fiber flax.....	1,491,368	71,202	121,990	4.77	8.18
Sugar and molasses.....	2,557,000	616,045	1,243,372	24.09	48.63

TABLE III-B.—Principal groups of first-processed forms of agricultural products

Groups	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rates in act of—	Increase
(1)	(2)	(3)	(2+1)	(3+1)	
Meat and meat products.....	\$46,151,573	\$3,908,119	\$12,093,443	8.47	26.20
Dairy products.....	30,414,479	8,223,075	11,056,580	27.04	36.35
Poultry and poultry products.....	7,334,592	2,386,932	2,969,104	32.54	40.48
Grain products.....	16,271,866	1,352,118	2,412,209	8.31	14.82
Fruits.....	6,391,063	1,955,421	2,794,923	30.60	43.73
Nuts.....	16,250,840	6,860,330	9,353,912	42.22	57.56
Vegetables.....	11,270,841	3,205,453	5,599,686	28.44	49.68
Vegetable, animal, and marine oils.....	24,711,820	7,380,282	8,637,292	29.87	34.95
Wool.....	1,362,902	679,999	810,714	49.89	59.48
Flax and hemp.....	2,459,800	116,133	176,691	4.72	7.18
Sugar and molasses.....	171,246,888	117,573,821	133,313,974	68.66	77.85

TABLE III-C.—Principal groups of agricultural products and their first-processed forms

Groups	Value of imports, 1928	Total duties, act of 1922	Total duties, act of 1930	Computed ad valorem rates in act of—	Increase
(1)	(2)	(3)	(2+1)	(3+1)	
Livestock, meat and meat products.....	\$149,388,817	\$8,038,157	\$27,393,305	5.38	18.34
Dairy products.....	37,308,241	9,086,064	13,466,184	24.35	36.09
Poultry and poultry products.....	9,010,656	2,802,129	3,459,190	31.10	38.39
Grain and grain products.....	17,736,353	1,646,267	2,782,901	9.28	15.69
Fruits.....	21,819,172	6,455,982	8,901,524	29.59	40.80
Nuts.....	24,472,903	8,709,022	11,957,002	35.59	48.93
Seeds (field, grass, garden and flower).....	7,762,076	1,463,564	2,299,696	18.86	29.63
Vegetables.....	33,535,698	9,223,205	20,143,786	27.50	60.07
Oil bearing seeds and vegetable, animal and marine oils.....	61,547,484	15,203,879	20,919,378	24.70	33.99
Long staple cotton.....	30,979,549	Free.	7,455,035	Free.	24.05
Wool.....	39,431,845	16,829,690	18,495,680	42.68	46.91
Flax and hemp.....	3,951,168	187,335	298,681	4.74	7.56
Sugar and molasses.....	173,803,888	118,189,866	134,557,346	68.00	77.42

## NATIONAL HYDRAULIC LABORATORY (S. DOC. NO. 208)

Mr. HEBERT. Mr. President, I have before me a copy of a letter on the subject of hydraulic laboratories addressed to the Secretary of Commerce and others by Mr. John R. Freeman, of Rhode Island, one of the most eminent hydraulic engineers of this country, if not of the world. It is really an extensive monograph upon the subject. It shows careful preparation, it contains some very valuable suggestions for the construction of a hydraulic laboratory, which was authorized by an act of Congress passed within the last 10 days. I think it would be a most useful document for Members of Congress, as well as for many people in this country who are interested in flood control and kindred subjects.

I ask unanimous consent that not only the monograph itself but the accompanying illustrations be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.



## FOLGER COLLECTION OF SHAKESPEARIANA

Mr. FESS. Mr. President, I would like to have the attention of the Senate for just a moment.

Mr. Henry G. Folger, the man who started the erection of the magnificent temple just east of the Library of Congress to house the rarest collection of Shakespeariana to be found anywhere in the world, died a few days ago. I understand that provision has been made in his will so that there will be no interruption in the plan of completing the building and having the collection located there.

I find also in Mr. Folger's will that his estate amounts to about \$10,000,000. The first provision of the will makes the trustees of Amherst College the trustees of this Shakespeare fund. If they do not meet the requirements of the will, then it is provided that the trustees of the University of Chicago shall act as the trustees of the fund. If they fail to meet the requirements, then the \$10,000,000 comes to the Library of Congress Trust Fund Board for such use as they may make of it.

This is the second will making the Library Trust Fund Board a legatee of a great gift. The first one was that of the late Mr. Wilbur, who bequeathed his large fortune to the University of Vermont, but on condition that the university must limit the number of students to something like 500, I think it was, and in case the university did not meet that requirement, then his entire fortune should come to the Library Trust Fund Board for the use of the Library.

I have here a copy of the portion of the will of Mr. Folger in which is mentioned the particular item to which I have referred, and I would like to have it, together with a letter of the Librarian of Congress to the members of the Library of Congress Trust Fund Board, printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WASHINGTON, June 26, 1930.

To the Members of the Library of Congress Trust Fund Board:

You will have noticed in the press the provisions of the will of the late Henry C. Folger, whose building to the rear of the Library is in process of erection. Included among them is the designation of the trustees of Amherst College as the trustees of his endowment (estimated at \$10,000,000).

A provision not cited in the press is, however, of concern to the board and has led to the dispatch to me, from the attorneys of the executrix, of a copy of the will together with notice of its probate. It is contained in the sixth paragraph of the will (a copy whereof is appended) which, after designating the trustees of Amherst as trustees of the endowment, provides that in case of their refusal or default the trustees of the University of Chicago shall be substituted, and in case of the refusal or default of the latter, confides the trust to the Library of Congress Trust Fund Board.

The substantial consideration which will attend the acceptance by either the college or the university makes entirely improbable the refusal or default of either institution. The conclusion, however, reached by Mr. Folger, who was in the habit of reaching such decisions only after careful investigation and deliberation, that in case either should refuse or fail as trustee, the trust shall vest in our board, is a certificate of confidence which should be valuable to it, and the compliment of it need not be impaired by the preference given to the college or the university, since the personal motives actuating in each case are entirely intelligible.

Faithfully yours,

HERBERT PUTNAM,  
Librarian of Congress,

Secretary Library of Congress Trust Fund Board.

Sixth. In case the said trustees of Amherst College, or their successors, shall fail or refuse to accept the trust herein created, or shall fail to comply with any of the several clauses or any of the conditions or provisions of the foregoing fifth paragraph hereof, or if said Amherst College and said board of trustees should cease to exist, then and in that event the bequests and devises herein made to said trustees shall be revoked, forfeited, and terminated and the property bequeathed and devised and held by them hereunder shall be assigned, transferred, and vest in the trustees of the University of Chicago, and their successors as such trustees, who shall thereupon hold same under the same trusts, conditions, and provisions as if they had been originally designated herein as trustees of said property, except that in such case any of the income herein provided to be taken out, paid or used for the benefit of Amherst College shall be taken out, paid or used for the benefit of said University of Chicago; and if said trustees of the University of Chicago, or their successors, shall fail or refuse to accept the trust herein created, or shall fail to comply with any of the several clauses or any of the conditions or provisions of the foregoing fifth paragraph hereof, or if said University of Chicago and said board of trustees should cease to exist, then and in that event the bequests and devises

herein made to said trustees shall be revoked, forfeited, and terminated and the property bequeathed and devised and held by them hereunder shall be assigned and transferred and vest in the Library of Congress Trust Fund Board with the same powers and subject to the same conditions as if they had originally been named herein as trustees, and upon the further condition that they keep the said library intact in a separate library building, as a distinct and separate part of the Congressional Library under the name of "Folger Shakespeare Memorial," and that the income herein bequeathed for the use of said colleges, or either of them, shall be used as the residue of the income for the upkeep and additions to said library.

## ORDER OF BUSINESS

Mr. McNARY. Mr. President, earlier in the morning I suggested a unanimous-consent agreement for the consideration of unobjected bills on the calendar. I understand that the able senior Senator from Idaho [Mr. BORAH] desires to have an executive session, and I withdraw the proposal.

## ADDRESSES OF SENATORS ASHURST AND HAYDEN AND REPRESENTATIVE DOUGLAS, OF THE STATE OF ARIZONA

Mr. BARKLEY. Mr. President, on June 8 Station KTAR, located at Phoenix, Ariz., became a part of the National Broadcasting system. On that evening the two Senators from Arizona, Senator ASHURST and Senator HAYDEN, and Representative DOUGLAS, of Arizona, made brief addresses over the radio, and I ask unanimous consent that the addresses may be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

## RADIO ADDRESS OF SENATOR ASHURST

Good evening, friends and acquaintances throughout the United States!

The radio has made a whispering gallery of the skies; it assembles the people's thoughts and sends them around the world on wings as swift as the lightning's fiery bolt.

A radio speech may not indeed have the genius of gesture nor the majesty of overtones, but it has amplitude of utterance and has a rich romance approaching the mystic.

Music being the universal language in which mankind expresses thought and emotion, it is quite appropriate that when Station KTAR, of Phoenix, Ariz., becomes associated with the National Broadcasting Co., the inaugural should be a musical program.

I immensely appreciate this opportunity to speak to my unseen audience regarding Arizona whose people are patrons of learning, disciples of industry, and apostles of success and which State, paradoxical as it may seem, is at one and the same time the oldest and the newest of our governmental subdivisions; oldest in ancient occupation and civilization and the newest and freshest in modern progress. Sublime as are the glories of art and architecture, Arizona contains natural wonders of scenic grandeur chiseled when the world was young by the hand which sustains all creation. For example, her petrified forest, which lived its green millennium and put on immortality a million years ago. Arizona has a bracing, cleansing air which heals the throbbing nerves of pain. Her sunshine reddens the bloodless lip and paints the rose upon the invalid's pale cheek. She has irrigation projects so practical and yet so ideal that they charm the imagination with their wizardry. The fertility of Arizona's soil, the salubrity of her climate, the vastness of her mineral wealth make the lamp of Aladdin and the purse of Fortunatus appear tame and commonplace by comparison.

I thank you for your kind attention.

## RADIO ADDRESS OF SENATOR HAYDEN

To all who listen in to-night, modern Arizona sends greetings. It has been hard to convince the rest of the world that there is an Arizona up to date in every respect. There are those who remember the poem which tells how—

"The Devil was given permission one day  
To make him a place for his own special sway."

And then goes on to describe the desert heat, the thorny plants, the scorpions, tarantulas, and Gila monsters which were alleged to abound in a land where the bloodthirsty Apache roamed.

There were others who associated Arizona with killers who rode the range or walked the streets of old Tombstone armed with six-shooters ready to deal instant death on the slightest provocation.

In spite of the proposal of a Los Angeles Congressman that a law be passed giving our State back to Mexico, Arizona, the last admitted into the Union, is here to stay. No State is more truly American, and her people are building a commonwealth with which the rest of the Nation may well be proud to claim kinship. If there yet remain doubting Thomases, we cordially invite them to come to see what man has done to make the land fair and habitable and civilized.



All should know that a system of highways has been built in Arizona so that any climate from subtropical to cool temperate can be attained within a short day's travel. It is but a few hours from the cactus of the desert, to the pines of the plateau, from citrus groves to quaking aspen.

We have smoothed the roads and bridged the fords so that he who would view the wonders with which nature has so lavishly endowed our State may do so in comfort. The greatest of these is the Grand Canyon of Arizona which has been well described as a "paradox of chaos and repose, of gloom and radiance, immeasurable desolation and enthralling beauty, a despair and a joy, a woe and an ecstasy, a requiem and hallelujah."

He can see the painted desert where even a chameleon would explode trying to imitate the richness and glory of the colors. Remember that there is not only a petrified forest but also vast stretches of virgin timberland.

The winter visitor in southern Arizona is welcomed at fine hotels and at guest ranches where the spirit and traditions of the old West are faithfully preserved. If one is interested in the relics of prehistoric peoples, there are ruins like Casa Grande and cliff dwellings like Montezuma's castle. There are more full-blood Indians in Arizona than any other State, and we know that the Hopi town of Oraibi has been continuously inhabited for more centuries than any other place in America.

The old Arizona is fascinatingly blended into the new. And now we hope that all doubt will be removed from the mind of the last skeptic, for if he comes to our State he will still be in touch with all the best in radio through station KTAR, whose addition to the national broadcasting chain we welcome to-night. I know that I express the gratitude of every listener in Arizona when I say that the spirit of service to its public which the National Broadcasting Co. has shown in this instance is deeply appreciated.

#### RADIO ADDRESS BY REPRESENTATIVE DOUGLAS

It was 105 years ago that the first American, James Pattle, found his way into the valleys of the Gila and Salt Rivers in what is now known as Arizona. During the interval amazing developments have been witnessed. The acquisition of the West from Mexico; the gradual migration of Americans in the wake of a frontier ever advancing into the setting sun; the rise of the cattle country with its cattle barons; the clouds of dust hanging over the trains of covered wagons slowly winding their way westward; the laying of the steel rail to link the old East with a new West; the appearance and decline of the high-grade gold and silver mining camps where fortunes were made in the daytime and lost at night; the birth of a new mining industry to replace the one which is passing; the metamorphosis of the arid desert into green and fertile fields; in short, the rise of the old and the coming of a new frontier in American history; all of these and many more have been witnessed during the span of the century. But as important if not more important than any of them is the linking of Arizona with the East by the unseen intangible channels in the air. The association of KTAR with the National Broadcasting Co. will bring to romantic Arizona the benefits of air information; but it will do more, for it will bring pleasure to the many who suffered from service to their flag and who have sought the healing influence of the baby State of the United States.

#### EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States submitting nominations and a treaty, which were referred to the appropriate committees.

#### HENRY W. ZIPF

Mr. MOSES. Mr. President, I report favorably from the Committee on Post Offices and Post Roads the nomination of Henry W. Zipf to be postmaster at Tucson, Ariz., in place of A. A. Dickerman, removed. I ask unanimous consent for the immediate consideration of the nomination.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

Mr. REED. Mr. President, from the Committee on Military Affairs I report favorably the following nominations:

#### TO BE CAPTAINS

First Lieut. Bernice Musgrove McFadyen, Infantry, from June 19, 1930.

First Lieut. Louis North Eller, Air Corps, from June 21, 1930.

#### TO BE FIRST LIEUTENANTS

Second Lieut. Harry William Miller, Infantry, from June 19, 1930.

Second Lieut. Sheldon Brightwell Edwards, Air Corps, from June 21, 1930.

I ask unanimous consent for the immediate consideration of the nominations.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

Are there further reports of committees? If not, the calendar is in order.

#### LONDON NAVAL TREATY

Executive I was announced as first on the Executive Calendar.

Mr. BORAH. I ask that that go over.

The VICE PRESIDENT. The treaty will be passed over.

#### CONSIDERATION OF TREATIES

Mr. BORAH. Mr. President, let me say a word in regard to the other treaties on the Executive Calendar. The treaties with Chile and Poland are liquor-smuggling treaties. They are the same in terms as the treaties heretofore ratified in the Senate.

The treaties of arbitration and conciliation are identical with arbitration and conciliation treaties heretofore ratified.

I do not think it is necessary to take up the time to discuss the terms of the various treaties.

#### CONVENTION WITH CHILE TO AID IN PREVENTION OF SMUGGLING OF ALCOHOLIC BEVERAGES INTO THE UNITED STATES

The treaty Executive L was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

#### To the Senate:

I transmit herewith a convention between the United States of America and the Republic of Chile to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington on May 27, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

#### THE WHITE HOUSE.

#### The President:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention to aid in the prevention of the smuggling of alcoholic beverages into the United States, concluded between the United States of America and the Republic of Chile on May 27, 1930.

Respectfully submitted,

H. L. STIMSON.

#### DEPARTMENT OF STATE,

Washington, May 29, 1930.

The President of the United States of America and the President of the Republic of Chile, being desirous of avoiding any difficulties which might arise between the Governments of the two countries in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States of America; and

The President of the Republic of Chile: His Excellency Señor Don Carlos G. Dávila, Ambassador Extraordinary and Plenipotentiary of Chile in Washington;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

#### ARTICLE I

The High Contracting Parties respectively retain their rights and claims without prejudice by reason of this convention with respect to the extent of their territorial jurisdiction.

#### ARTICLE II

(1) The Chilean Government agree that they will raise no objection to the boarding of private vessels under the Chilean flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the



vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel, and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

#### ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Chilean vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

#### ARTICLE IV

Any claim by a Chilean vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency if any, shall be defrayed in equal moieties by the two Governments.

#### ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the convention shall lapse.

#### ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present convention the said convention shall automatically lapse, and, on such

lapse or whenever this convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this convention not been concluded.

The present convention shall be duly ratified by the High Contracting Parties in accordance with their respective constitutional methods; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate in the English and Spanish languages and have thereunto affixed their seals.

Done at the city of Washington this twenty-seventh day of May, nineteen hundred and thirty.

HENRY L. STIMSON.  
CARLOS G. DÁVILA.

The convention was reported to the Senate and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of Executive L, Seventy-first Congress, second session, a convention with Chile to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington on May 27, 1930.

#### TREATY OF CONCILIATION BETWEEN THE UNITED STATES AND THE REPUBLIC OF GREECE

The Senate, as in Committee of the Whole, proceeded to consider the following treaty:

#### To the Senate:

I transmit herewith a treaty of conciliation between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the Minister of Greece on June 19, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE, June 23, 1930.

#### THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President's judgment approve thereof, a treaty of conciliation between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the Minister of Greece on June 19, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,  
Washington, June 20, 1930.

The President of the United States of America and the President of the Hellenic Republic, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries

The President of the United States of America:

Mr. Henry L. Stimson, Secretary of the United States of America; and

The President of the Hellenic Republic:

Mr. Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece in Washington; who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Greece, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the



Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Greece in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 19th day of June, one thousand nine hundred and thirty.

HENRY L. STIMSON [SEAL]  
CH. SIMOPOULOS [SEAL]

The treaty was reported to the Senate, and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of Executive N, Seventy-first Congress, second session, a treaty of conciliation between the United States and Greece signed at Washington June 19, 1930.

#### TREATY OF ARBITRATION BETWEEN THE UNITED STATES AND THE REPUBLIC OF GREECE

The Senate, as in Committee of the Whole, proceeded to consider the following treaty:

*To the Senate:*

I transmit herewith a treaty of arbitration between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the minister of Greece on June 19, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE, June 23, 1930.

*The President:*

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President's judgment approve thereof, a treaty of arbitration between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the minister of Greece on June 19, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,

Washington, June 20, 1930.

The President of the United States of America and the President of the Hellenic Republic

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Henry L. Stimson, Secretary of State of the United States of America; and

The President of the Hellenic Republic:

Mr. Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece in Washington; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Greece in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Greece in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Greece in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 19th day of June, one thousand nine hundred and thirty.

[SEAL]

[SEAL]

HENRY L. STIMSON  
CH. SIMOPOULOS

The treaty was reported to the Senate, and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of Executive O, Seventy-first Congress, second session, a treaty of arbitration between the United States and Greece, signed at Washington, June 19, 1930.

#### CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF POLAND TO AID IN THE PREVENTION OF SMUGGLING OF ALCOHOLIC BEVERAGES

The Senate, as in Committee of the Whole, proceeded to consider the following convention:

*To the Senate:*

I transmit herewith a convention between the United States of America and the Republic of Poland to aid in the prevention of the smuggling of alcoholic beverages into the United States



of America, signed at Washington by the Secretary of State and the Ambassador of Poland on June 19, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE, June 23, 1930.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President's judgment approve thereof, a convention between the United States of America and the Republic of Poland to aid in the prevention of the smuggling of alcoholic beverages into the United States of America, signed at Washington by the Secretary of State and the Ambassador of Poland on June 19, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,

Washington, June 20, 1930.

The President of the United States of America and the President of the Republic of Poland being desirous of avoiding any difficulties which might arise between the United States and Poland in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States; and the President of the Republic of Poland: Mr. Tytus Filipowicz, Ambassador Extraordinary and Plenipotentiary of Poland to the United States:

Who, having communicated their full powers found in good and due form, have agreed as follows:

#### ARTICLE I

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this Convention, with respect to the extent of their territorial jurisdiction.

#### ARTICLE II

(1) It is agreed that the Government of Poland will raise no objection to the boarding of private vessels under the Polish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

#### ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Polish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

#### ARTICLE IV

Any claim by a Polish vessel for compensation on the grounds that it has suffered loss or injury through the improper or un-

reasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this Convention. All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent. on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

#### ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Convention shall lapse.

#### ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the High Contracting Parties and the ratifications shall be exchanged at Warsaw as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate in the English and Polish languages, and have thereunto affixed their seals.

Done at the city of Washington this 19th day of June, one thousand nine hundred and thirty.

[SEAL]

[SEAL]

HENRY L. STIMSON

TYTUS FILIPOWICZ

The convention was reported to the Senate, and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P. Seventy-first Congress, second session, a convention between the United States and Poland to aid in the prevention of smuggling of alcoholic beverages, signed at Washington, June 19, 1930.*

#### DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Dana G. Munro to be envoy extraordinary and minister plenipotentiary to Haiti.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

#### CUSTOMS SERVICE

The legislative clerk read the nomination of Frederick G. Davies to be collector of customs at Charleston, S. C.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

## PUBLIC HEALTH SERVICE

The legislative clerk read sundry nominations in the Public Health Service.

Mr. REED. I ask that the nominations be confirmed en bloc.  
The VICE PRESIDENT. The nominations are confirmed, and the President will be notified.

## COAST GUARD

The legislative clerk read sundry nominations in the Coast Guard.

Mr. REED. I ask that the nominations in the Coast Guard be confirmed en bloc.

The VICE PRESIDENT. The nominations are confirmed, and the President will be notified.

## POSTMASTERS

The legislative clerk read sundry nominations of sundry postmasters.

Mr. PHIPPS. I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

## IN THE ARMY

The legislative clerk read sundry nominations for appointments and promotions in the Army.

Mr. REED. I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. The nominations are confirmed, and the President will be notified.

## WILLIAM B. GUITTEAU

Mr. FESS. Mr. President, I believe the senior Senator from Indiana [Mr. WATSON] has a nomination to report.

Recently Ohio suffered a very great tragedy in the drowning of eight very distinguished citizens living in Toledo, Ohio. One of that group was Mr. Charles H. Nauts, one of the most efficient collectors of customs we have had in the country.

Mr. WATSON. Mr. President, I report favorably from the Committee on Finance the nomination of William B. Guitteau, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio in place of Charles H. Nauts, deceased.

Mr. FESS. Mr. President, I would like to have the nomination of Mr. Guitteau acted upon to-day if possible.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

## ADJOURNMENT

Mr. McNARY. Mr. President, as in legislative session, I move that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and the Senate (at 1 o'clock p. m.) adjourned until Monday, June 30, 1930, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate June 28, 1930*

## COLLECTOR OF INTERNAL REVENUE

William B. Guitteau, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio in place of Charles H. Nauts, deceased.

## APPOINTMENTS IN THE ARMY

## MEDICAL CORPS

*To be first lieutenants with rank from July 1, 1930*

First Lieut. Alexander Otis Haff, Medical Corps Reserve.  
First Lieut. Crawford Fountain Sams, Medical Corps Reserve.  
First Lieut. Mark Tad Morgan, Medical Corps Reserve.  
First Lieut. Robert Edwin Peyton, Medical Corps Reserve.  
First Lieut. John Horace Fountain, Medical Corps Reserve.  
First Lieut. James Hedges Forsee, Medical Corps Reserve.  
First Lieut. Walter Atwater Carlson, Medical Corps Reserve.  
First Lieut. Clarke Horace Barnacle, Medical Corps Reserve.  
First Lieut. Robert Hartman Johnston, Medical Corps Reserve.  
First Lieut. Robert Moore Allott, Medical Corps Reserve.  
First Lieut. Steven Vincent Guzak, Medical Corps Reserve.  
First Lieut. Thomas Christy Gentry, Medical Corps Reserve.  
First Lieut. Edward Joseph Tracy, Medical Corps Reserve.  
First Lieut. Arnold Archibald Albright, Medical Corps Reserve.  
First Lieut. George Bronaugh Ewing, Medical Corps Reserve.  
First Lieut. Robert Cabaniss Gaskill, Medical Corps Reserve.  
First Lieut. Dan Clark Ogle, Medical Corps Reserve.  
First Lieut. William Spencer Stone, Medical Corps Reserve.  
First Lieut. Milford T. Kubin, Medical Corps Reserve.  
First Lieut. John Edward Pluenneke, Medical Corps Reserve.

First Lieut. James Donley Gardner, Medical Corps Reserve.  
First Lieut. Emmett Bryan Litteral, Medical Corps Reserve.  
First Lieut. Austin Lowrey, jr., Medical Corps Reserve.  
First Lieut. Jasper Newman Knox, Medical Corps Reserve.  
First Lieut. Carl Willard Tempel, Medical Corps Reserve.  
First Lieut. Nuel Pazdral, Medical Corps Reserve.  
First Lieut. George Dewey Newton, Medical Corps Reserve.  
First Lieut. George Edward Leone, Medical Corps Reserve.  
First Lieut. Albert Henry Schwichtenberg, Medical Corps Reserve.  
First Lieut. Ehrling Lloyd Bergquist, Medical Corps Reserve.  
First Lieut. Wendell Axline Weller, Medical Corps Reserve.  
First Lieut. Clinton Stone Lyter, Medical Corps Reserve.  
First Lieut. Walter Lee Peterson, Medical Corps Reserve.  
First Lieut. Russell Samuel Leone, Medical Corps Reserve.  
First Lieut. Dwight Moody Kuhns, Medical Corps Reserve.  
First Lieut. Lawrence Abraham Matternes, Medical Corps Reserve.  
First Lieut. Arthur Lyman Streeter, Medical Corps Reserve.  
First Lieut. John Alexander Isherwood, Medical Corps Reserve.  
First Lieut. Harold Bradley Luscombe, Medical Corps Reserve.  
First Lieut. Charles Lewis Baird, Medical Corps Reserve.  
First Lieut. Thomas Neilson Page, Medical Corps Reserve.  
First Lieut. Samuel Leonard Cooke, Medical Corps Reserve.  
First Lieut. Harold Eastman Coder, Medical Corps Reserve.  
First Lieut. Victor Allen Byrnes, Medical Corps Reserve.  
First Lieut. William Smith George, Medical Corps Reserve.

## PROMOTIONS IN THE NAVY

## MARINE CORPS

Maj. Calhoun Ancrum to be a lieutenant colonel in the Marine Corps from the 1st day of June, 1930.  
Capt. Thomas E. Watson to be a major in the Marine Corps from the 26th day of December, 1929.  
Capt. Walter G. Sheard to be a major in the Marine Corps from the 1st day of March, 1930.  
Capt. Roger W. Peard to be a major in the Marine Corps from the 1st day of June, 1930.  
First Lieut. Edward S. Shaw to be a captain in the Marine Corps from the 2d day of November, 1928.  
Second Lieut. Homer L. Litzenberg, jr., to be a first lieutenant in the Marine Corps from the 12th day of May, 1930.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate June 28, 1930*

## ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Dana G. Munro, to Haiti.

## COLLECTOR OF CUSTOMS

Frederick G. Davies, Charleston, S. C.

## COLLECTOR OF INTERNAL REVENUE

William B. Guitteau, tenth district of Ohio.

## PUBLIC HEALTH SERVICE

*To be medical directors*

Taliaferro Clark.	Dunlop Moore.
Claude H. Lavinder.	John D. Long.
Milton H. Foster.	Richard H. Creel.
Ezra K. Sprague.	Francis H. McKeon.
Claude C. Pierce.	Albert D. Foster.
Leslie L. Lumsden.	John W. Kerr.
Mark J. White.	Walter W. King.
John McMullen.	Bolivar J. Lloyd.
Lunsford D. Fricks.	George W. McCoy.
Charles W. Vogel.	Benjamin S. Warren.
Carroll Fox.	Arthur M. Stimson.
Joseph W. Schereschewsky.	John W. Trask.
Allan J. McLaughlin.	Frederick C. Smith.
Edward Francis.	George L. Collins.

*To be senior surgeons*

Eugene H. Mullan.	Harry J. Warner.
Marshall C. Guthrie.	Paul Preble.
James P. Leake.	Randolph M. Grimm.
Edward R. Marshall.	Joseph R. Ridlon.
Hermion E. Hasseltine.	Charles M. Fauntleroy.
Hugh de Valin.	Lawrence Kolb.
William M. Bryan.	Carlisle P. Knight.
Emil Krulish.	



*To be passed assistant surgeons*

Kirby Knapp Bryant.	Frank Samuelson Fellows.
William Henry Sebrell, jr.	William Hendon Gordon.
George Gordon Holdt.	Albert Taylor Morrison.
Homer Lucas Skinner.	William Wesley Nesbit.
Clifford Lee Wilmoth.	Leon Ocel Parker.
Anthony Peter Rubino.	

*To be assistant surgeons*

John George Hewitt.	Edmund Joseph Mahon.
Roscoe Conkling Kash.	George William Bolin.
Chapman Hunter Binford.	Elmer Theodore Ceder.
John Albert Trautman.	Dana Wilson Nance.
Joseph Asbury Bell.	Waldemar Claus Dreessen.
Calvin Benjamin Spencer.	Noka B. Hon.
Theodore Anko Dykhuizen.	Edward Joseph Reneke.
Edward Clifton Rinck.	Robert Stewart Baylor, jr.
Arthur Frank Steinmetz.	Charles Walton Folsom.
Alvin Edwin Murphy.	Otis Leon Anderson.
Gordon Arthur Abbott.	Claude Dedmond Head, jr.
Sidney Preston Cooper.	

## COAST GUARD

*To be captains (engineering)*

Quincy B. Newman.  
Lorenzo C. Farwell.  
California C. McMillan.  
George W. David.  
Lucien J. Ker.

## APPOINTMENTS REGULAR ARMY

Elvin Freestone Maughan to be second lieutenant, Air Corps.

## PROMOTIONS IN THE ARMY

Edward Goff Elliott to be lieutenant colonel, Cavalry.  
Henry Welles Baird to be lieutenant colonel, Cavalry.  
Alva Franklin Englehart to be major, Coast Artillery Corps.  
Evan Clouser Seaman to be major, Coast Artillery Corps.  
Benjamin Harrison Graban to be captain, Cavalry.  
Arthur Ross Nichols to be captain, Infantry.  
George Aldridge Whatley to be first lieutenant, Air Corps.  
Frank Riley Lloyd to be first lieutenant, Infantry.  
Harold Wade Kinderman to be major, Medical Corps.  
Robert Malcolm to be major, Medical Corps.  
Charles Tindal Young to be captain, Medical Corps.  
Bernice Musgrove McFadyen to be captain, Infantry.  
Louis North Eller to be captain, Air Corps.  
Harry William Miller to be first lieutenant, Infantry.  
Sheldon Brightwell Edwards to be first lieutenant, Air Corps.

## REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS

## GENERAL OFFICER

Frank Thomas Hines to be brigadier general, reserve.

## POSTMASTERS

## ARIZONA

Henry W. Zipf, Tucson.

## LOUISIANA

Otis Waguespack, Vacherie.

## MAINE

Forrest I. Gilman, Bingham.  
Willis H. Allen, Columbia Falls.  
Charles J. Bradgon, Gardiner.  
Thomas Hebert, Madawaska.  
Willard E. Day, Monmouth.  
Mertland L. Carroll, New Harbor.  
Lillian C. Erickson, Stockholm.

## MINNESOTA

Charles S. Hawker, Buffalo.

## NEW JERSEY

Robert Young, Singac.

## NEW YORK

Vernon B. Hutchins, Indian Lake.

## PENNSYLVANIA

Elwood S. Rothermel, Fleetwood.  
Erskine J. Miller, Franklin.  
Robert J. Courtney, Gouldsboro.  
Charles H. Stormfeltz, Lancaster.  
Henry N. Hoff, Mount Wolf.  
Wilbur C. Taylor, Port Royal.  
William M. Smith, Springboro.

## SOUTH CAROLINA

Arthur K. Parsons, Andrews.

## HOUSE OF REPRESENTATIVES

SATURDAY, June 28, 1930

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Blessed Heavenly Father, may this day be lighted for us with the radiant colors of faith and hope, and let doubt and anxiety disappear. Be Thou our continued incitement until we feel the thing we ought to be is throbbing beneath the thing we are. Lead us until our affections and consciences see and realize the splendor of Thy law and we become united with the purpose of Thy holy will. Bless us with that sense that knows the right, with gentle hearts and with a determined power to labor for the good of our country and to promote the peace and happiness of our fellow men. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink; and

H. R. 8723. An act for the relief of Rachel Levy.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 3395. An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 6127. An act to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands;

H. R. 8159. An act to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes; and

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928;

S. 2980. An act to authorize and direct the Comptroller General to allow certain expenditures in the War Department;

S. 4142. An act to fix the salary of the Governor of the Territory of Alaska;

S. 4425. An act to amend section 284 of the Judicial Code of the United States; and

S. 4586. An act to authorize additional appropriations for the national arboretum.

The message also announced that the Senate had passed the following resolution:

## Senate Resolution 306

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. STEPHEN G. PORTER, late a Representative from the State of Pennsylvania.

*Resolved*, That a committee of 10 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolution the President pro tempore had appointed Mr. REED, Mr. GRUNDY, Mr. BORAH, Mr. SWANSON, Mr. FESS, Mr. COPELAND, Mr. GOFF, Mr. WAGNER, Mr. HATFIELD, and Mr. McCULLOCH members of the committee on the part of the Senate to attend the funeral of the deceased.

#### WHAT A CONGRESSMAN DOES

Mr. YATES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of what a Congressman does.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, the average Member of Congress rises by 7 o'clock, and breakfasts by 8, and gets to his office by 9, and answers his telegrams and telephones by 9.30, and starts at his dictation by that time. His dictation is fully completed by 10.30, and then he goes to his committee. The meeting, open or executive, of his committee lasts until 12. At 12 o'clock the call bells all ring, and the Member goes to the floor of the House. He remains on the floor of the House from 12 noon until 1 or 2 o'clock, or 3 or 4 or 5, at which time the House usually adjourns.

During these five hours, more or less, he listens to information (of course, there is some misinformation, but really a great deal of valuable information).

Some time during the afternoon he gets something to eat in either the restaurant or the cafeteria attached to the House, which food is not expensive, and is, as a rule, wholesome; this luncheon consumes less than an hour.

After 5 o'clock he gets back to his office and reads and signs his mail, and then if he is human he putters a while. You know some wise man has said that "puttering is destructive, but it is a joy to the soul." Possibly he putters an hour; and then it is 7 o'clock, and the Congressman has had a 12-hour day—no 8-hour day for a Congressman! If it be asked, "What does he do at night?" the answer is that he works more nights than he plays. In office or apartment over half the Members study bills and other printed matter night after night.

I forgot to say that if on any day the Congressman feels compelled, because of some emergency, to visit the Government departments or some of them, his schedule is thrown out of joint for a week. For instance, suppose that on some day it becomes necessary for him to make some appeal to the tuberculosis eradication division of the Bureau of Animal Industry of the Department of Agriculture, and he comes back to the Capitol by way of the office of the Director of the Veterans' Bureau, plus the Federal Board for Vocational Education—well, I say, his schedule is disarranged for a week.

Most Members try to do both things, rush through the average and ordinary day, including five hours in the House plus an effort to visit about two Government departments per morning, pleading, usually, against some injustice done to some constituent or constituency back home, or urging some ruling or regulation which may aid some very worthy cause or person. I, myself, have deliberately made something of a choice; I have decided that when I must choose between my committee and a department, I will choose the committee, but when I must choose between an afternoon hour at a department and an hour corresponding, in the House, I will on the average, omit that hour in the House and rush down to the department, unless, of course, the debates are important—because I believe my constituents will approve my going to the department, unless the debate is important.

I am well aware that it is not popular in the magazines, to urge or emphasize the fact or incident, that Congressmen are really industrious. I, nevertheless, dare, sink or swim, survive or perish, assert they are industrious.

I take the liberty to point to my own office. My daughter was for eight years my secretary. One snowy morning, as I was about to board a street car in front of the White House, to return to my office in the House Office Building, I suddenly heard these words in my daughter's voice:

Sir, where have you been this morning? You have not been at the office.

I whirled around, and said:

I have been to the tuberculosis eradication division of the Bureau of Animal Industry of the Department of Agriculture. Where have you been? I observe that you have with you, evidently under your escort, a man about 6½ feet high, about 18 inches broad, wearing a green hat,

blue vest, red tie, and white spats, and carrying a cane. Who is your friend?

She got mad and shook her little fist at me and shouted: "Don't you dare make fun of my soldier. He was wounded and gassed in France, has been turned out of five different hospitals, and still suffers, and I have got him hospitalized and \$80 per month." I could only say, "Whom did you go to?" She answered, "The Director of the Veterans' Bureau." I shut up, saying, "Henceforth you go to the Veterans' Bureau daily."

I venture to mention another instance of the relation between the Congressman and the departments, that relation being friendly and cordial, when put to the test.

One Monday morning, at 1 o'clock, a telegram was delivered to the apartment in a great Washington hotel, occupied by my wife and myself, namely apartment No. 60, something on Deck No. 6. (I always think of my 10 years in Washington apartments as being 10 years before the mast; for the long hallways, with their numerous doorways, resembling exactly the rows of cabins on long steamboats, make you feel as if you were, indeed, simply on deck on a steamship.)

This telegram said:

RICHARD YATES, Congressman at large; John So-and-so, son of John So-and-so, always my friend, and always yours, is a sailor boy, dead in the naval station at Manila. The authorities are proposing to cremate, but the mother wants the body of her boy. Please see what you can do.  
EDGAR E. CRABTREE, Mayor.

But here it was 1 o'clock Monday morning, week-end, everybody in town probably out of town, and Manila 12,000 miles away. I was rescued. My wife seeing me stand, distressed, and evidently helpless, said, "What is the matter?" I replied, "Why do your friends ask the impossible?" She simply tilted her chin and said, "Is it impossible?" Of course, I got mad and rebuked her, saying, "Well, you tell me what to do? Which way shall I turn for help?" She instantly said, "Why, of course, the admiral across the hall!" Now, across the hall, immediately opposite our cabin, dwelt one of our admirals. I was afraid of the admiral. When we met he was almost sure to make fun of me, by saying, "Well, is there any real reason for Congress this morning?" To which I would always reply, "Yes; as much as there is for 70 admirals!" To which he would reply, "That doesn't reach me, for I am only No. 7." This was true; there were only six men in the whole Navy that outranked him.

Finally, however, I mustered up enough courage to cross the hall and tap on the admiral's door. He was in his night attire and so was I. But action and speed on the other side of the planet was to occur. I read him my telegram, and said, "Oh, Admiral, what shall I do?" He said, "Well, I don't know, but Cole will know." (Cole turned out to be another admiral.) In 15 minutes we were talking to "Cole."

In an hour all the men responded who were needed to send a radio message to the Philippine Islands; and, just as the sun went up, over here, through the air—yes; through the air—came the message that the order had gone forth, that the blessed mother could have the blessed body of her son embalmed! Did the courage in the heart of my mate, my wife, help some?

If I had no other reason for liking the Navy, that one incident would have endeared the Navy to me; because six of the biggest men in it stayed up all night on that errand of mercy.

I venture to mention another incident, which appeals to me as showing the teamwork possible, both the Congressman and the department heads cooperating. One day I got a letter from the highly organized and highly efficient director of the Illinois State Museum, which read:

RICHARD YATES,

Congressman, Washington, D. C.:

Please send me, for my museum, one captured German biplane, Fokker preferred.

When you stop to think about it, why not? What is the use of having a Congressman, especially one "at large," if he can not furnish, on demand, "one captured German biplane, Fokker preferred?"

Well, when I embarked on that commission, I embarked upon a fight lasting six months. At the end of the first month I was told I must get a written order from the Secretary of the Navy. He gave it to me; and I began to expect the arrival of my biplane, looming so large in my thought. At the end of 60 days I was told I must buy the biplane. I gave my check for \$1 to the United States of America for one captured biplane, Fokker preferred. At the end of the third month, another unavoidable delay ensued, and so it was the end of the fifth month before I was notified that my plane had arrived at Quantico, but it was "not yet assembled." I got a little quarrelsome just then, and scolded, saying I did not care what became of it, but I was



wrong, for the day came when a message from Quantico arrived, saying the biplane was on board, en route to Springfield, Ill., where it is to-day. As a matter of fact, it is there, not because of insistence by the good director, Doctor Crook, or by that of the Congressman at large, but, because through six months the officers having jurisdiction had not lost sight of this request—teamwork.

It is a fact that red-hot fights are made by Congressmen for justice to veterans and other claimants again and again.

And right here is as good a place as any to pay tribute to those hard-working young men and women, the secretaries of Members and Senators. They do an appalling amount of writing and telephoning and telegraphing and preparing of cases about to be examined by committees and departments, and only too often they are misunderstood, even as Members are. To be misunderstood is a truly indescribable thing. Lincoln once said:

I have undergone the indescribable humiliation of being misunderstood.

Sometimes, as in all business places, it seems as if all things combine to harass and trip up and, above all, to delay. Then the Congressman gets the "hurry-up complex" and urges everybody, all the way up to the White House, but above all he hurries his already heavily burdened secretary. It is really a marvel that out of it all come good and workmanlike jobs, well-done work and service. "Speed" we call it to-day.

Is running for Congress worth while? Of course, disappointments and disillusion await us all in all the fields and walks of human life and activity, and every Member of the American Congress, whether Senator or Representative, has his distress; but to serve in Congress is worth while. Gov. Dick Oglesby, of our State, once said to me:

Every man ought to go to the legislature as a part of his education!

My own father said to me:

The ideal public service for an American is the American House of Commons, the House of Representatives—and I want you to grow up and serve the Republic.

By the way, every boy's father ought to encourage him to go into public life. Only too often fathers say to their sons, "Anything but politics; anything but politics!" This is wrong, and absolutely so. To "grow up and serve the Republic" is to be commended and not condemned. Happy and glad indeed will be that day when fathers again shall call their sons to their knees and say, "Grow up and serve the Republic!"

Time does not permit—nor does the occasion—to analyze all the good and bad in a Congressman's life. Suffice it to say that the different men's official lives are not surprisingly different.

I remember that not long after I entered this body the Speaker said—among other things:

The House is the greatest leveler I know. Some men come here with great reputations and lose them, and some come without reputation and find themselves. It does not take the House very long to understand the size of each man.

#### ADULT EDUCATION

Mr. HAMMER. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAMMER. Mr. Speaker, Every loyal American citizen would like to see illiteracy eradicated in this country. This, the wealthiest nation in the world, the one which more stanchly than any other nation proclaims its belief in democratic institutions, stands far from the top among all the nations in literacy.

Denmark, Norway, Sweden, Switzerland, Canada, England and Wales, Irish Free State, Netherlands, Scotland, Germany, New Zealand, and Japan have a lower per cent of illiteracy than we have, and at the same time have a higher definition of literacy. All these nations require the ability to read and write; the United States require only the ability to write in order to be classed as literates.

#### THE DIFFUSION OF KNOWLEDGE ESSENTIAL

That the existence of illiteracy in this country is contrary to all of our concepts of a free and democratic government is generally conceded. We agree that our Government must rest upon the intelligent functioning of all of its citizens, yet 4,000,000 professed illiterates—4,000,000 adults who admit that they can not write their names—are eligible to vote in this country unless a State law prevents their so doing. The diffu-

sion of knowledge among all of our people is most essential. Thomas Jefferson said:

Above all things, I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a new degree of liberty.

When we realize that experts in education state that there are 20,000,000 adults in this country who are practically illiterate—that is, who are unable to read the printed page—we must admit that such a condition shows that we have not carried out the charge which Thomas Jefferson has intrusted to us. There are 110 counties in the United States where at least one-fourth of the people are illiterate. Is this "democracy triumphant"?

Of the 4,000,000 men drafted in the Great War, a million could neither read nor write. This condition shocked our people, and rightly so. True, many of the States had become aware of the great social menace of illiteracy, even before we entered the war, and had begun to take steps to practice remedial legislation. In 1914 Kentucky established an illiteracy commission. In the same year North Carolina began its great illiteracy campaign; Alabama, Oklahoma, California, New Mexico, and Washington in 1915; Mississippi and South Carolina in 1916; Arkansas in 1917; and Georgia in 1919. No two of the States approached the problem in exactly the same way, but all began to take formal, and I may say, formidable, notice of this question.

#### SIMILAR LEGISLATION PROPOSED UNDER WILSON IN 1914-15 AND AGAIN IN 1918

Our Federal Congress, too, took notice. In 1914, Representative Francis Asbury Lever, of South Carolina, introduced a bill to investigate illiteracy among the adult populace of the United States, and the means of eliminating and reducing the same. The bill aroused much interest and much favorable comment. The bill was unanimously favorably reported on February 7, 1914, but failed of passage by half a dozen votes.

Then Representative John W. Abercrombie, of Alabama, introduced a similar bill.

In 1915 Representative BANKHEAD, of Alabama, introduced a bill "to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States."

The hearings on this bill brought out some interesting information. Most significant were two: First, that illiteracy could no longer be regarded as of one race or of one section. The total number of white illiterates was then, and is now, greater than the total number of negro illiterates. No State is entirely free of illiteracy. And the percentage of illiteracy was then, and is now, largest in agricultural States; practically twice as high in the country as in the city.

#### COUNTRY CHILD HAS NOT A FAIR CHANCE

Farm relief! The country girl and boy have not an equal opportunity with the city child. There is more taxable property in the city; there is more wealth. We had this so well called to our attention in the hearings, on the adult educational bills, in 1914 and 1918. Conditions have changed somewhat, to be sure, but the city boy's chances are much better still, in education, than the country boy's.

During the 1918 agitation, the Secretary of the Interior, Franklin Lane, came before the committees of Congress and begged and pleaded, urged them to take a hand. His letter written 12 years ago to the chairman of the Committee on Education in the House has in it much food for thought, for to-day.

#### SECRETARY LANE'S LETTER

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., March 12, 1918.

MY DEAR MR. SEARS: I believe that the time has come when we should give serious consideration to the education of those who can not read or write in the United States. The war brought facts to our attention that are almost unbelievable and that are in themselves accusatory.

There are in the United States (or were when the census was taken in 1910) 5,516,163 persons over 10 years of age who are unable to read or write in any language. There are now 700,000 more of draft age in the United States who are, I presume, registered, who can not read or write in English or any other language. Over 4,600,000 of the illiterates in this country were 20 years of age or more. This figure equals the total populations of the States of California, Oregon, Washington, Montana, Idaho, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, and Delaware. The percentage of illiterates varies in the several States from 1.7 per cent in Iowa to 29 per cent in Louisiana. More than 10 per cent of it was in 13 States. Half of the illiterates were between 20 and 45 years of age. It has been estimated by one of those concerned with this problem that if these five and a half million illiterate persons were stretched in a double line of march at intervals of 3 feet and were to march past the White House at the

rate of 25 miles a day, it would require more than two months for them to pass. Over 58 per cent are white persons, and of those 1,500,000 are native-born whites.

I beg you to consider the economic loss arising out of this condition. If the productive labor value of an illiterate is less by only 50 cents a day than that of an educated man or woman, the country is losing \$825,000,000 a year through illiteracy. This estimate is no doubt under, rather than over, the real loss. The Federal Government and the States spend millions of dollars in trying to give information to the people in rural districts about farming and home making. Yet 3,700,000, or 10 per cent, of our country folk can not read or write a word. They can not read a bulletin on agriculture, a farm paper, a food-pledge card, a Liberty loan appeal, a newspaper, the Constitution of the United States, or their Bibles, nor can they keep personal or business accounts. An uninformed democracy is not a democracy. A people who can not have means of access to mediums of public opinion and to the messages of the President and the acts of Congress can hardly be expected to understand the full meaning of this war, to which they all must contribute, in life or property or labor.

It would seem to be almost axiomatic that an illiterate man can not make a good soldier in modern warfare. Until last April the Regular Army would not enlist illiterates, yet in the first draft between 30,000 and 40,000 illiterates were brought into the Army, and approximately as many near illiterates.

They can not sign their names.

They can not read their orders posted daily on bulletin boards in camp.

They can not read their manual of arms.

They can not read their letters or write home.

They can not understand the signals or follow the Signal Corps in time of battle.

There are 700,000 men who can not read or write who may be drafted within our Army within the next year or two. Training camps for soldiers are not equipped for school work, and the burden of teaching men to read the simplest English should not be cast upon the officers or others in the camps. We should give some education to all our men before they enter the Army.

There is even a larger problem than this that challenges our attention, and that is the teaching of the English tongue to millions of our population. Dr. John H. Finley, president of the University of the State of New York, in a recent speech presented this picture which he found in one of the cantonments:

"How practical is the need of a language in this country common to all tongues is illustrated by what I saw in one of the great cantonments a few nights ago. In the mess hall, where I had sat an hour before with a company of the men of the National Army, a few small groups were gathered along the tables learning English under the tuition of some of their comrades, one of whom had been a district supervisor in a neighboring State and another a theological student. In one of those groups one of the exercises for the evening consisted in practicing the challenge when on sentry duty. Each pupil of the group—there were four of Italian and two of Slav birth—shouldered in turn the long-handled stove shovel and aimed it at the teacher, who ran along the side of the room as if to evade the guard. The pupil called out in broken speech 'Halt! Who goes there?' The answer came from the teacher, 'Friend.' And then, in as yet unintelligible English, the voices of innumerable ancestors struggling in their throats to pronounce it, the words, 'Advance and give the countersign.' So are those of confused tongues learning to speak the language of the land they have been summoned to defend. What a commentary upon our educational shortcomings that in the days of peace we had not taught these men, who have been here long enough to be citizens—and tens of thousands of their brothers with them—to know the language in which our history and laws are written and in which the commands of defense must now be given! May the end of this decade, though so near, find every citizen of our State prepared to challenge in one tongue and heart the purposes of all who come with the cry, 'Who goes there?'"

What I have said here leads to a respectful request that you give early consideration to House bill 6390, which provides for a modest appropriation for the Bureau of Education to begin and conduct a vigorous and systematic campaign for the eradication of adult illiteracy. If the bill can be passed soon, special attention can be given to teaching illiterate men of draft age, and especially those who are classified in class A.

Cordially yours,

FRANKLIN K. LANE, *Secretary.*

HON. WILLIAM J. SEARS,

*Chairman Committee on Education, House of Representatives.*

#### THE WAR PREVENTED ACTION UNDER WILSON

Such was the condition when we were asking our boys to give their lives to make the world safe for democracy. Have we, as a nation, played our part in this trust? But that was the last census, you say, 10 years ago. But to-day, we have still millions of professed illiterates and many more who are practically illiterate.

The presence of this large number of illiterates at present in this country bodes ill for the status of literacy for the future, even more than of the present. "Education is the eternal debt of maturity to youth," said the war-time minister of education of Great Britain. Yet, if the mature citizen has not himself enjoyed an education, he is not so apt to appreciate either the value of education or his obligation to youth. Louisiana, with the highest percentage of illiteracy, had the lowest school attendance. The illiteracy of parents, research shows, is the chief barrier to school attendance.

Lincoln said:

I hope I may live to see the day when an unfettered start and a fair chance in the race of life are guaranteed to every boy and girl.

If the boys and girls, the citizens of the future, are to have a fair chance, a fair start, we must do something to wipe out illiteracy among the parents of to-day.

#### MANY STATES INTERESTED

We all know this, and, as has been hereinbefore pointed out, most of the States have since 1914 been very actively at work to meet the problem. There have been provided excellent laws in most of the States in the last 15 years. Just to quote a few:

##### Alabama

The State board of education is charged with the responsibility for the removal of illiteracy. It is the duty of county and city boards of education to cooperate with the State board of education in the removal of illiteracy in the territory under their respective jurisdiction, and to this end the said boards may be necessary. There is appropriated the sum of \$12,500 annually for the use of the State board of education in reducing illiteracy. (Alabama School Code, 1927, p. 150.)

##### Arkansas

The Arkansas Illiteracy Commission shall make research, to collect data, and to enlist the services of any and all communities of the State looking to the obtaining of a more detailed and definite knowledge as to the true conditions in the State in regard to its adult illiteracy and report annually or oftener the results of its labors to the governor, and to perform any other act which, in its discretion, will contribute to the elimination of and of the State's adult illiteracy persons in the State of Arkansas, and the commission shall expend any funds or use anything of value which it may receive in accordance with such regulations as it may from time to time adopt \* \* \*. (Act 59, 1917.)

##### Florida

The county boards of public instruction in the State of Florida are hereby authorized to establish and maintain, in the respective counties, public evening schools, elementary or high, as a branch of the public-school system of the county, and such evening schools, when so maintained, shall be available to all residents of Florida, native or foreign born, who, for any satisfactory cause, have been unable to attend any day public school of the county or school district; and all evening schools so maintained shall be under the direction and control of the county board of public instruction and the county school superintendent and shall be subject to the same laws, rules, and regulations prescribed for the conduct of day schools in the school district or county, as the case may be, in which such evening schools are maintained; and the expense thereof shall be paid out of the county school fund. (S. B. 358, 1927.)

##### Georgia

SEC. 1. \* \* \* County commissioners of this State or the ordinaries of such counties as have no commissioners shall have, and they are hereby given authority in their discretion, to provide for the carrying on in their respective counties of schools for instructing adult illiterates in the elementary branches of an English education only.

SEC. 2. \* \* \* The expenses of maintaining said schools, when they shall be established in accordance with this act, shall be paid out of the county treasury, and to that end the said county commissioners or ordinaries are hereby authorized and empowered to levy such tax as may be necessary to pay said expenses over and above the sums for which they are now authorized to levy a tax. (Act, 1920.)

##### Mississippi

The Mississippi Illiteracy Commission \* \* \* shall have the power to make research, collect data, and procure the services of any and all communities of the State looking to the obtaining of a more detailed and definite knowledge as to the true conditions of the State in regard to its adult illiteracy, and to report regularly the results of its labors to the governor, and to perform any other act which in its discretion will contribute to the elimination of the State's adult illiteracy by means of the education and enlightenment of illiterate persons in the State of Mississippi, and the commission shall expend any funds or use anything of value it may receive in accordance with such regulation as it may from time to time adopt \* \* \*. (School laws of the State of Mississippi, 1924, ch. 34.)



North Carolina—my own State—for example:

A good law in North Carolina, but no appropriation.

1919-20: Schools for adult illiterates a part of public-school system.

1. Legislature of 1919 makes schools for teaching adult illiterates a part of public-school system of North Carolina.

(a) Appropriation: The State board of education is authorized to provide rules and regulations for conducting schools to teach adult illiterates, and such schools, when provided for, shall become a part of the public-school system of the State and shall be supported as is provided for other public schools of the State. (5609, p. 63, school law.)

Inspired and, no doubt, impressed with the splendid work that has been done in the States, and recognizing the fact that in the final analysis illiteracy is a national evil, the President on December 8, 1929, appointed the National Illiteracy Commission. We can rejoice that the work in our States caused such action to be taken. Here let me digress to say that, in what I am sure you will agree is a pardonable pride in my own State, the work there in recent years is inspiring and encouraging.

First. One county and city—Buncombe County and Asheville—have for the past eight years included the teaching of adult illiterates in the regular program of the educational system. All of the representative literate organizations and individuals of the county have cooperated in furthering the movement. During that time more than 5,000 adults have been taught. During the past four years Asheville has risen to first rank among the city school systems of the State. Buncombe County has risen from the thirty-first place to tenth among the rural systems, and the attendance in the rural schools has increased from 68 per cent to 86 per cent. And in the fall of 1928 did not fall below 92 per cent. A number of factors have brought about these results, but both county and city officials count the night schools among the appreciable factors. The superintendent of public welfare says he has found that a parent taught means a child in school.

Second. One club district—the sixth, including Davie, Rowan, Davidson, Surry, Yadkin, Forsyth, and Stokes—under the leadership of the district president, has put on an intensive literacy campaign under the direction of a trained worker, with excellent results.

Third. A cooperative plan of intensive literacy work has been financed in two counties—Stokes and Surry—by the State Society of Colonial Dames, the State Society of the Daughters of the American Revolution, the State Federation of Women's Clubs, the educational officials of both counties, and the local civic and social clubs and organizations. The results have surpassed expectations and an appropriation for continuing the work will be included in the school budgets of both counties for the coming year.

Fourth. A textbook made especially for adult beginners has been published by the University of North Carolina press. This book is in two volumes and contains lessons in reading, writing, arithmetic, spelling, English, geography, and civics.

Fifth. A literacy commission was appointed by our governor to work out plans for a state-wide program.

Sixth. The representative newspapers of the State, both in articles and in editorials, have consistently furthered the attack on the illiteracy problem.

What increase in human values and interests have resulted from the teaching of adult illiterates?

In those groups which have been taught, there has been a definite increase in the following observable human values and interests:

First. There has been a definite and apparent increase in self-respect.

Second. More participation and more intelligent participation in community affairs.

Third. A growing realization of their responsibilities and privileges as citizens.

Fourth. Closer family relationships through ability to write letters to each other.

Fifth. More Bibles and newspapers are read.

Sixth. More savings accounts are kept.

Seventh. More understanding patriotism.

Eighth. Growing ability to initiate and carry through community projects.

Ninth. More enjoyment of moving pictures.

Tenth. Cleaner and more attractive homes.

Eleventh. Development of group leadership.

Twelfth. Individual lives made happier and more efficient.

Since this speech has been delivered the interest aroused on this question has been even more definitely crystallized. The two great nation-wide educational organizations have taken note thereof. The department of adult education of the National Education Association at its annual convention just closed in Columbus and the American Federation of Teachers at its con-

vention just held in Memphis have indorsed the George-Hammer bill, granting Federal aid to the States for their fight against illiteracy.

The Scripps papers have carried an excellent editorial touching particularly on the work in North Carolina.

The Washington News editorial follows:

Back in the Sixteenth Congress old Representative Felix Walker, debating the Missouri question, gave his home county of Buncombe, N. C., a dubious fame and added a new word to the American language by insisting that he was "bound to make a speech for Buncombe."

Now Buncombe County has a new and better bid for fame. L. R. Alderman, adult education specialist in the United States Bureau of Education, appealing for his inspiring cause, tells of a movement in that mountain county that might well be studied by business men and analyzed by economists.

"In 1919 a teacher named Mrs. Elizabeth Morriss landed in Buncombe. She found there 7,000 adult illiterates. \* \* \* To-day more than 4,000 of these grown-ups, with an average age of 30, are attending night school, learning to read newspapers and books, to add and subtract, to emerge from the jungle of ignorance.

"Business men there tell me that this movement has transformed the whole community," Alderman says. "The new enlightenment has reflected itself not only in a spiritual liberation but in greatly increased buying powers."

Alderman says there are some 20,000,000 Americans who, like the mountaineers of Buncombe County, are "functionally illiterate." Imagine, he says, what it would do for prosperity if every one of these could be brought up to the buying standard of even the average American family.

New desires are created, desires for soap, sheets, window shades, shoes, as well as a taste for newspapers and books.

Here may be found one answer to our problem of overproduction.

Buncombe County has unwritten the ill fame bestowed upon its name by "Old Man Walker" by being very wise. The United States would be wise to follow.

The ground is ready, the seed has been planted. My hope now is that the people themselves, believing in a functional democracy resting upon all the people will join with us and make the enactment of this bill a matter of the immediate future.

I speak of my own State. But they are all doing their utmost. Twenty-five States and the District of Columbia have legislation providing for education of adult foreigners and 24 States and the District of Columbia have legislation providing for education for adult native illiterates; 32 States have State supervisors for adult education; 21 States give financial aid to school districts which provide adult classes, the State paying the largest per cent being Delaware, which provides 98 per cent of the cost. Forty-five institutions are offering special training for teachers of adult classes; 12 States have illiteracy commissions; 2,439 communities are holding classes for adults, with a total enrollment of almost 300,000.

#### CALIFORNIA AND OTHER STATES

The California law requires every illiterate between 18 and 21 years of age to attend school. It has a literacy test for voters. South Dakota requires persons between 16 and 21 years of age who do not speak, read, or write the English language to attend a day or evening school. Rhode Island requires that one or more public evening schools shall be established in every town for the purpose of teaching the English language where 20 or more persons between 16 and 21 may be found who are unable to speak, read, or write that language. Connecticut requires school districts of 10,000 inhabitants to maintain evening schools for persons over 14 years of age. I mention these States to show that in this great present day "revival of learning" among the adults of this Nation, a renaissance, we may call it, in American citizenship, that the interest is not confined, as some may think, to the South, but that all of our States are participating in this great movement which seeks to give actual citizenship to all of our citizens.

#### THE STATES CAN NOT BEAR FURTHER BURDENS—MANY ARE TOO POOR

No further proof should be necessary to show how much the States want to do and how much the States are doing in this field, but no matter how much they want to do and how much they would like to do we must face the facts of how much they can physically do; in other words, how much more money can they possibly get from their respective legislatures in order to do this work as it should be done?

The burden of taxation to our people is great. State governments in all parts of the country still rely on the general property tax for a substantial part of their revenue. The last available figures show that 79 per cent of all State and local taxes and 89 per cent of all the local taxes alone were derived from the general property tax. In this connection it is important to note that the farmer's direct taxes are almost exclu-



sively based on tangible property, especially real estate, which in many instances is the sole basis for levying the farmer's taxes. Since 1924 land values have declined while taxes have increased. Inasmuch as the farmer can not shift the increase in taxes to the consumer (as the manufacturer can), the increase in tax rates coupled with the decrease in property values of farm lands is, therefore, largely a farmer's burden. Not only are the increased taxes taken out of the farmers' income, but they do play an important part in depressing land values and, therefore, in reducing the farmers' equity in the land. Since taxes are a first lien against the land, the mounting tax levies diminish the value of land as securities for loans. A terrible vicious circle for the farmers to be in. And in view of these facts, can we possibly justify the slightest increase in taxes on the farmer?

Nor can the States get the money from the cities.

The increase in city tax rates has also been tremendous. At the same time business failures in our urban communities have been numerous. According to Bradstreet, there were 19,703 commercial failures, and there were 311 bank failures during 1929. At the same time the Federal tax receipts from the States were \$2,939,054,375.43. North Carolina pays of this amount \$274,561,262.45. These figures are for the year ending June 30, 1929. (For the year ending June 30, 1930, reported since this speech was delivered, the amount North Carolina paid the Federal Treasury was more than \$19,000,000 in excess of the amount paid by that State for the fiscal year ending June 30, 1929.)

One glance at these facts shows that it is a matter of physical impossibility for many of our States to further tax their people.

The States would no doubt want to do even more than they are doing in fighting illiteracy, but they have not the funds. The National Government therefore must help them, not merely talk in abstractions, but help.

The National Illiteracy Commission appointed by President Hoover has, apparently, not any money with which to carry on its work. So far their activities have been financed entirely by private funds. Some of our generous, fine citizens have donated relatively large amounts, because they realized the need for having this work done. Many organizations have contributed much to this work.

#### NATIONAL ILLITERACY COMMISSION WITHOUT FUNDS TO FUNCTION ADEQUATELY

One method by which the Government of the United States of America has carried on its work authorized by the President is so unusual that I want to pause a moment to refer to it. Mr. Hoover's National Illiteracy Commission has put the Interior Department, our Government, in the candy business. In room 5114 of the United States Department of the Interior, candy could be purchased—and perhaps still can be purchased—from the funds from the sale of which money is to be raised to wipe out illiteracy! This is noble; this is sweet. I grant that the candy, crystallized pumpkin, is delicious. I grant that the motive back of this movement may be and undoubtedly is lofty; but I protest against having the Government of the United States go into the candy business in order to combat one of the greatest social evils confronting this country. We must get away from sentimentality and must approach this subject on a sound basis. Sentiment and not sentimentality is the need of the hour.

And then there is indeed a serious problem involved in allowing a governmental project to be carried on by private funds. The minute private funds are used for the conduct of Government business, we must admit that private organizations have the say as to the conduct of Government business. There can be no objection raised to having the advice of private individuals and private organizations for the conduct of any and all of our affairs, but it is a serious menace to establish a principle which permits a Government commission to accept money from private sources in order to carry on its work. If this campaign is distinctly a national campaign, it should be supported by national funds.

Not only because the States themselves can not meet this problem but because the problem in itself is national, and our Federal Government concerned intimately therewith. Illiteracy knows no State lines. Illiterate children born in one State become citizens of a low caliber in another. But this bill asks for Federal aid, and that is objectionable, it may be claimed. Well, is it?

Let us for a moment review the question of Federal aid to the States. Since our Government was established the Federal domain has given money and lands to the States. More than 700,000 acres of national lands were turned over to the newly created State of Ohio by the act of 1802, and since that time

every State of the United States has benefited by Federal generosity, or, more properly speaking, shared in the full benefits of a Federal Government. In 1837, \$2,000,000 which had accumulated in the United States Treasury were distributed among the States.

#### FEDERAL LAND GRANTS

Most of the early land grants were made unconditionally. In other cases Congress stipulated that the funds should be used for schools or roads. Since 1912 the growth of Federal subsidy for the development of our States has been vast. Perhaps the most logical explanation of this trend is that money and wealth became more and more concentrated in a few centers and less available to the States. Couple this with the fact that in 1913 the amendment to the Federal Constitution enabling Congress to enact the Federal income tax law was ratified. This meant more money from the States to the Federal Government. Then came the war, demanding in the various revenue taxes still more from the States. And then came quite logically from the States a demand that some of the good from the concentrated wealth and some of the returns from the money which the Federal Government had obtained from the States be returned for useful work to the States. This was not a move on the part of the States of giving up State rights. Quite to the contrary. It was a new manifestation of a new kind of State rights. The States sought to have a say in how their money should be spent for their people. They never yielded their power; they increased it. Yes; the amount of Federal subsidy has grown but an analysis of the figures shows that proportionately as there grew a demand from the Federal Government for a direct tax on the people of the States so grew the amount of Federal money which in turn the States demanded should be paid them.

Look at the figures:

1912	\$8,149,478.21
1913	7,752,961.01
1914	10,533,660.78
1915	10,352,211.79
1916	12,645,489.02
1917	15,625,056.55
1918	22,805,680.12
1919	22,104,992.13
1920	35,923,706.48
1921	90,437,848.13
1922	128,366,639.95
1923	111,727,193.28
1924	128,067,312.27
1925	147,351,393.22
1926	141,614,101.05
1927	136,659,786.47

#### EQUALIZATION FUNDS FOR WEAK DISTRICTS IN 36 STATES

The question of Federal aid to the States in this emergency is in some ways comparable to the "equalization fund" in education now available in 36 States. The first equalization funds provided by the general assembly of North Carolina was an annual appropriation of \$100,000. There has been a gradual increase until it has now reached \$6,500,000 annually. Much more than that is necessary to provide an eight months' school term in all the districts throughout the State. Just as a State equalization fund in education seeks to provide that the children in even the poorest rural districts may have good schooling under competent teachers for a term of suitable length, so the \$5,000,000 asked for in this bill would seek to have the children in our poor farm areas given a decent start in life, by having their parents given an opportunity to learn to read and write. The fact that three-fourths of our States have established equalization funds shows that there is a growing sentiment for a more equitable distribution if not of wealth then certainly of the opportunity to procure wealth. One of the finest analyses of the theory, philosophy, and the practice of a State equalization fund was made by one of our southern newspapers, the Richmond News Leader. This newspaper after very thorough and complete scientific investigation of the subject devoted its full effort to the establishment of the principle of a State equalization fund. This bill now before us would provide only for an extension of this principle, and at the same time safeguard to the States respectively complete autonomy in educational administration.

It would further give back to the States an opportunity to use some of their money for the advancement of all of their people, in keeping with their respective laws.

We may indeed look upon the expenditure of Federal moneys in the several States as an investment on the part of the Federal Government in a security of the highest return—the betterment of the people, the raising of their standard of living, the increasing of their earning capacity.

In proof thereof, just see for what purposes this money was spent in one of the last few years.

And for what purposes is this Federal money being spent?



Here it is, taken from the Government records:

Support of agricultural colleges	\$2,400,000.00
Support of experiment stations	2,400,000.00
Cooperative agricultural extension work	6,875,727.55
Vocational education	7,184,901.51
Vocational rehabilitation	880,263.00
Highways	81,371,013.03
National Guard	31,363,935.31
Forest-fire prevention	654,101.57
Distribution of nursery stock	71,194.61
Forest-extension work	46,241.64
Maternity and infant hygiene	899,824.71
State fund under oil leasing act	2,498,689.58
State fund from sale of public lands	13,893.96

Total..... 136,659,786.47

#### NO YIELDING OF SOVEREIGNTY BY THE STATES

And in all this the States have not yielded one iota of their sovereignty! All the States are made to share a bit in the much-vaunted national prosperity, but none is asked to yield any of its sovereignty.

But further scrutiny of the figures I have given makes us wonder if the eradication of illiteracy is not as valuable to the Nation as any item herein provided for? We are giving \$31,000,000 a year to the States for the upkeep of the National Guard. This bill asks for one million a year for the greatest National Guard we can have; an intelligent citizenry!

We are paying approximately \$8,000,000 annually to the Bureau of Animal Industry, \$3,750,000 annually to the Bureau of Plant Industry, and \$3,000,000 annually to the Plant Quarantine Division.

Do not understand me to object in any sense to these appropriations. They are most essential, but is not the wiping out of illiteracy in this country as important as the wiping out of any other disease, whether the disease be of plants or of animals or good citizens?

#### EXPENDITURES FOR EDUCATION AND ILLITERACY COMPARED WITH OTHER EXPENDITURES

The eradication of any plague, disease, or social evil is not only socially just, it is economically sound.

And so as a matter of good, sane, business policy the eradication of illiteracy is essential.

A recent study of the relation of wealth to income shows that in charting to scale the actual figures for the educational expenditures per capita and the per cent of illiteracy, that with only two exceptions every State which spent more per capita for education than the average for the United States in 1910 had less than the average percentage of illiteracy, and every State, except two, spending less than the average in 1910 had more than the average percentage of illiteracy in 1920. More education tends to produce more wealth and less illiteracy which in turn increases the desire to have the ability to pay more for education and so on around the circle, each decade placing the State higher in its educational and financial standing. Allowing for the fact that the accumulation of wealth within a State extends over a considerable time, and that the natural wealth of the States varies greatly, we may still correctly say that the States which in the last 10 or 20 years spent the greatest amount for education have the greatest per capita income and the greatest acquired—not natural—wealth.

But here again the Nation's responsibility of the entire question becomes apparent, for the boys and girls educated in a well-organized school system may migrate to communities of lesser educational standing and conversely the boys and girls of more education may migrate into the communities which have expended much for education. "No State is independent of other States so long as there is any movement of inhabitants between them, for low standards in one State tend to discount the efforts of other States in maintaining higher ideals. Each State is, therefore, interested in what other States are doing," says the United States Bureau of Education. According to the reports of the National Bureau of Economic Research, the educational improvement of the individual worker tends toward the increase of national wealth by increasing his personal efficiency in the particular place he fills, and many workers are enabled by their special technical knowledge to invent more efficient, and, therefore, more profitable ways of doing work, new machinery to replace the more expensive hand labor, and more systematic organizations to reduce the economic waste. The illiterate individual finds that many jobs are closed to him because they require ability to read and write, consequently his field of employment is restricted and he is forced to accept a lower standard of living and fewer advantages. Low earning capacity, low standards of living, and low average wealth go hand in hand with illiteracy; thus the Nation should, as a purely business proposition, be as much concerned with the economic aspect of illiteracy as with the personal inconvenience of the illiterate. The expenditures properly applied to the reduction of

illiteracy are profitable to the States as a people and thus to most of its population as individuals.

The large life-insurance companies of America are spending thousands of dollars annually in order to raise the level of education among our people because they claim, and rightly so, that the better educated people are longer lived, have better health, and a surer income than the uneducated. One of the life insurance companies has a special division on illiteracy, for it recognizes that its work can not be fully done as long as illiteracy exists. Both public and private statistics on accidents, both in industry and in noncommercial activities, show that the largest number occur among illiterate and uneducated persons. When we consider the amount of the expenditures entailed in these accidents, quite apart from the humane side of the question, we can appreciate the need of spending further money to prevent them.

Millions of dollars wasted every year because of illiteracy, \$825,000,000 a year, former Secretary Lane said, and his figures did not include the additional cost for illness, accidents, and social maladjustment. Add to this vast economic loss, the social degradation, the human suffering, the pain, the humility that goes with ignorance and pestilence, and consider this \$5,000,000 asked for over a period of five years—is it not a relatively small amount to ask to overcome adult illiteracy?

It will be observed that in the bill before us there is no attempt to dictate to the States how they shall teach, but there is very definitely in it a request for information, which information in itself would demand a scientific analysis and report of the method in which the Federal money is expended. Such an approach is necessary if we are to conduct the campaign for the eradication of illiteracy on a scientific and not a sentimental basis.

#### WHAT IS ILLITERACY?

First of all, what is illiteracy? Most nations of high social standards consider a literate one who can read the printed page and who can intelligently write coherent sentences. The United States campaign against illiteracy is circumscribed by the definition of illiteracy formulated by the United States Bureau of the Census. In his statement on the work of the National Illiteracy Commission, Mr. Rufus W. Weaver, secretary of the commission, says:

The definition of an illiterate as given by the Bureau of the Census is "inability to write in any language, not necessarily English, regardless of ability to read." Those who can write in some language but have not completed the equivalent of three years of training in the elementary schools may be classified as "near illiterates." The National Advisory Committee on Illiteracy appointed by the Secretary of the Interior with the approval of the President is undertaking the study of sheer illiteracy, its immediate reduction and its final eradication. Its field of operations is limited to illiteracy as defined by the Bureau of the Census.

As Mr. Weaver tells us, the scope of work of the Government commission is limited from the very start by the superficial, inadequate definition of the Bureau of the Census of literacy. There is at present then no accurate check provided to determine how many illiterates—real not "sheer," as the Government calls them—there are in this country. First, then, we must have a genuine definition of illiteracy, and then we must provide the machinery for its proper application. Then we shall be ready to go ahead to fight this social evil.

Unofficially we are now informed—on excellent authority, however—that there are at least 20,000,000 adults in this country who can not read the printed page. The census figures for 1920 reported 4,931,905 illiterates in this country. But bear in mind that this meant only "confessed illiterates"—that is, those who admit inability to write in any language. While it is granted that the figures quoted are as of 10 years ago, and that many of those who were then illiterate can now read and write, in general, we have to admit that while some have become literate, thousands more have become adult illiterates. Caution should be taken that we do not confuse illiteracy with inability or incapacity to learn. We are not concerned at this time with the mentally handicapped person who can not learn to read and write; we are concerned now only with those who have not had the opportunity to learn.

When Professor Thorndike a few years ago gave to the world the result of his years of research in adult learning, and states that adults can learn as fast as children, the movement of adult education was given a great impetus, and a new horizon presented itself to all who were interested in affording men and women an equitable opportunity in their struggle in life.

Every social-minded person and every organization with a social purpose wants to help. The public schools doing their utmost are being assisted by the educational organizations, the



Young Women's Christian Association and Young Men's Christian Association, the Catholic Welfare Council, the Council of Jewish Women, the American Legion, the Federation of Women's Clubs, the American Federation of Labor, and many other similar splendid organizations.

This work is of such importance and such a highly specialized piece of work, however, that it must be handled only by those who have had not only training but who have the social vision which the application of the proper training would require. The teacher must be a leader, a guide, a friend in every sense of the word, in addition to having had excellent professional training.

WE MUST SHOULDER THE RESPONSIBILITY FOR THE MILLIONS OF ADULTS  
GROPING IN DARKNESS

This bill provides that the work should extend over a period of five years. The importance of an extended program is apparent. As was said before, adults can learn as fast as children, but no faster. In many instances, because they have acquired a certain manual dexterity, they are able to learn to write more quickly than children. They have a finer coordination of the muscles of hand and arm.

But we should never confuse a simple manual dexterity, such as is required for tracing copy or for copying simple letters, with the actual ability to read and write intelligently. What we seek is to develop in these men and women, not simply a further applied coordination of the muscles of the hand, but rather the actual ability to read and write in such a way as to become good parents—good citizens in every way.

In order to decide how long the program should be, it is necessary to determine the objectives of the education and the general approach thereto. Bear in mind always that Doctor Thorndike has shown that an adult can learn as fast as a child but no faster. Hence we must admit that if a child must reach a level of fourth-grade literacy in order to understand the printed page at all, that even with the elimination of that elementary general training in social adjustment which is a part of the early school life of a young child, that the very least time which we may ascribe as a learning period for an adult is 100 lessons, given at the rate of at least 2 a week in continuous succession.

There are, we know, two groups of adult illiterates—the native born, both the white folks and the negroes—and also the foreign-born illiterates. True, immigration restriction has materially reduced the number of our foreign-born illiterates, and many of these foreign born who were illiterates when they entered this country a number of years ago have since then learned to write. But for both groups the problem is, in the broadest sense of the word, an Americanization problem, which means learning to read and write not only the English language but learning likewise the a b c's of American life and American institutions. The native born thus far denied an opportunity of learning the basic elements of reading and writing is entitled thereto so as to instill in them a desire to broaden their experience, to enrich their lives, to give to them something of that which America boasts she affords for all to make them something more than The Man with the Hoe, as pictured by Edwin Markham, men unable to read and understand the word of God and man:

Bowed by the weight of centuries he leans  
Upon his hoe and gazes on the ground,  
The emptiness of ages in his face,  
And on his back the burden of the world.

Is this the thing the Lord God made and gave  
To have dominion over sea and land;  
To trace the stars and search the heavens for power;  
To feel the passion of eternity?  
Is this the dream He dreamed who shaped the suns  
And pillared the blue firmament with light?

What gulfs between him and the seraphim!  
Slave of the wheel of labor, what to him  
Are Plato and the swing of Plectides?  
What the long reaches of the peaks of song,  
The rift of dawn, the reddening of the rose?

WE MUST SHOULDER THE RESPONSIBILITY FOR THE MILLIONS OF ADULTS  
GROPING IN DARKNESS

America must give its men and women more than that. As a Nation we must shoulder the responsibility for the 20,000,000 men and women who know but a world of darkness.

They yearn for a word from friends. They want to be in closer communion with their God. And when what must be a divine awakening comes how glorious they must feel.

Stories are numerous. For example:

One rainy evening a little woman, the mother of nine children, came to night school with a beaming face—

"Miss Egerton," she said, "what do you think I found to-day? The Lord's Prayer. I was just picking out the words I knew in the Bible, finding first one and then another, when all of a sudden I saw that these words made the Lord's Prayer. I had found it for myself."

It was hers, as it had never been before.

An illiterate mother in North Carolina had an illiterate married daughter in South Carolina. Both attended night schools. One morning, after a number of lessons, the mother joyfully showed the teacher a letter from her daughter:

Miss Mary, there is a letter from my daughter. I have just read with my own eyes what she write with her own hand.

#### IT WILL TAKE TIME

But we can not lose sight for one minute of the fact that this work takes time. If it is to be sure, it must be slow; it must be thorough.

There is not one highly trained worker in the field who would deny the fact that the work can not be rushed. The work must extend over a long period.

The pronouncements of the two nation-wide educational organizations on this question are significant.

The American Federation of Teachers, in its pronouncement on illiteracy, says:

Literacy should first be carefully defined before we make our plans. If literacy means the ability to write one's name (as the census definition implies) and to read a few especially learned words, the program is greatly simplified but will in no way prevent our having a large illiterate population. We must endeavor to do away with programs which hold up illusions of literacy, and we must definitely stand for the fact of literacy. We want people who can really read, and that means, undoubtedly, that the reading habit shall have been definitely established.

As teachers we know that it takes long to acquire a habit and so set it that it remains with us through life. The near illiterates are as helpless as the absolute illiterates in the work of the world.

New York State has decided upon a fourth-grade literacy. This means really giving power to the adult to become a reader. We subscribe to this standard.

We definitely state our belief that if this work is done within a limited short period, and that if people who have learned to write their names and read a few stumbling words in the newspaper are to be classed as literates, and our place in the literacy of the world is to be raised thereby, the cause of literacy will be definitely and seriously harmed.

If we are classed as the most literate nation, we shall not be able to conduct a true educational program to establish real literacy, because there will apparently be no need.

If thousands, truly millions of illiterates will have been assured that they can learn to read and write by taking a short course of lessons, the discouragement and disillusionment that will follow in the majority of cases will plunge these people into a state so much darker that there will be no hope for them.

We recognize the poverty of many of the States where the most work is needed and their consequent incapacity to do as much as should be done.

Illiteracy we contend is a national evil and should be nationally combatted. Education is a public function and must be supported from public funds.

We, therefore, call upon Congress to aid the States in combatting illiteracy by making available to the States Federal financial aid to be administered by the States.

The Department of Adult Education of the National Education Association said:

We urge upon the census authorities the adoption of a schedule in the 1930 census that will reveal the number of persons, 10 years of age and over, that can not read English understandingly, meaning the number that have not completed four years in an English-speaking school or are unable to read the newspapers.

We pledge our support to the request of the Director of the Census to enlist the teaching force throughout the country to act as enumerators for said purpose.

We furthermore urge upon Congress and the President the adoption of a program involving adequate financial aid in carrying out a minimum 5-year campaign in reducing illiteracy as revealed by the 1930 census.

#### WHAT OTHER COUNTRIES ARE DOING

When we realize the wonderful opportunities for adult education which are afforded to the peoples of other countries our sense of practical patriotism is aroused. Our country must do at least as much.



Take Denmark, for example: Since 1814 Denmark has had compulsory education. Their adult education therefore is not for the eradication of illiteracy; they have practically none. Their work is the expression of the finest public forum where men and women talk of things of interest to them; gatherings which are remarkable art centers, centers of culture, growth, and understanding for all the people. Their work is not work for "college credits" which seems to motivate so much of our so-called higher education. Theirs is truly educational. It is an opportunity for all the people to have made available to them and for them experiences in a richer and fuller life. Growth! Their Government makes it possible—and not by the sale of candy. Or let us look at Mexico. When Moises Saenz became the undersecretary of education in Mexico several years ago, there were thousands and thousands of illiterates in that country. Over 60 per cent of the population could not read and write. He did not take these men and women and teach them how to trace their names. He believed in educating them. Education is growth, not simply mental, but spiritual—in the broadest sense—as well. On this premise Señor Saenz created five major educational centers of his country. Missions he called them, for they were to serve the people. To these centers came men and women, old and young—to sing, to paint, to mold pottery, to give a rebirth to their native arts, their native culture. The people were expressing their inner selves; naturally, fully. And then from the people came the desire to write of their experiences, to record their achievements. So, quite naturally, they wanted to learn to read and write. And they did. Not just a name and a sentence here and there, but they mastered writing—not as an end to answer the census requirements but as a means to further growth. They learned to read, to explore further into the beauties of life. A new vista has opened up for them. Their Government has made this possible. Can not we do as much as our sister republic?

Or look at China. Yen believed that from a war to make the world safe for democracy there should come in its natural consequences a move to free all people, that it should make all who are asked to serve in the fight into units that can enjoy fully the harvest of their labors. So he went into the soldier labor camps and organized schools. His was a work to evolve an alphabet. His was a work which meant overcoming the years of prejudice, the age-old traditions which would deny learning to the poor. But he has won. Thousands upon thousands have been and are being taught to write and read even in heathen China. No name-tracing limit is theirs. They seek a richer and fuller life. Can not we set a standard of literacy as high as their goal?

We can. We must. I know not what the 1930 census will show. Whatever it shows, bear in mind that it understates the case. It records as illiterates only those who admit that they can not sign their names. America must stand for more. The United States as a nation must help. Due to all sorts of economic, social, and political influences, dating back to the very birth of our Nation, illiteracy exists to-day—the pre-Civil War westward expansion which affected illiteracy in the succeeding generation—where were the schools—a social life organized on the basis of large cotton plantations, and with the consequent feudal-system philosophy of life applying to education; a scattered rural population, isolation caused by mountains and swamps; poverty due to unscientific farming; poverty due to the War between the States; property loss; bad roads—many more removed and remote causes. We suffer now the effects. All States have some immediate causes.

The short-term school, the 186 loopholes in the so-called compulsory school attendance laws of our several States, the many violations of child labor laws, the insufficient State appropriations—all of which contribute so much to the presence of illiteracy—would not be tolerated by an educated citizenry. We are in a vicious circle. The bad conditions of the past have produced illiteracy to-day. An illiterate citizenry will not—can not, in fact—ever free itself from the curses which a past generation has left upon it. Who will break the vicious circle?

Let our National Government make possible the wiping out of illiteracy to-day, so that our States may to-morrow have citizens who will be educated sufficiently to carry on for the common good.

Literacy is not education. It is but the first and the simplest of the tools to make possible education.

And so in this bill we ask that our Federal Government should help furnish the tool, so that the States may do their part, as they wish to do, and make possible education, growth, and understanding for all the people.

## AN INVITATION TO MINNESOTA

Mr. MAAS. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, while in Minnesota recently I had one of the most delightful surprises I have ever enjoyed. The aviation clubs of St. Paul and Winnipeg were the week-end guests of Captain and Mrs. W. H. Fawcett at their most unusual summer resort, Breezy Point, on Big Pelican Lake, at Pequot, in northern Minnesota. As a member of the St. Paul club I was one of the guests, and long shall I remember the experience.

A hundred and fifty miles north of St. Paul, into a magnificent virgin wilderness, still largely populated by Indians, albeit now civilized, but still entirely picturesque, we suddenly came upon an apparition. Here, comfortably settled on a delightful point of a perfectly beautiful lake surrounded by majestic pine trees, is a completely modern hotel, surrounded by a colony of cottages with every convenience, and yet with a surprising rustic appearance in harmony with the natural setting. Every recreation is provided: Golf, tennis, horseshoe pitching, horseback riding, boating, swimming, trap shooting, fishing, even flying. Meals to an irresistible orchestra, which also provides the music for dancing on a splendid screened outdoor floor after dinner.

It is cool, restful, and genuinely entertaining. Its surroundings are typical of Minnesota recreational facilities. Indeed, it is a summer paradise.

Capt. Billy Fawcett, as he is popularly known, has a distinguished war record and, conceiving this paradox of a natural, primitive setting for a modern summer resort during the war, he and his charming wife, who is a most cordial hostess, established Breezy Point soon after the war.

There is about Breezy Point an atmosphere of a never-to-be-forgotten hospitality that is so genuine and personal one forgets he is in a public resort. There is always the easy informality of a home, with all the privacy of one's own establishment.

Captain and Mrs. Fawcett have asked me to extend to all Members of Congress of both Houses their cordial invitation to be their personal guests at any time during this season that you might find it convenient to visit them. I assure you from personal experience that all of you who may be in a position to accept their hospitality will be well repaid for your trip. You will be entranced by Minnesota's startling summer beauty and fascinated by a few days at one of her most delightful recreation spots. [Applause.]

## SECOND DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12902, the second deficiency bill, with amendments of the Senate, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 12902, the second deficiency appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, let me ask the gentleman from Indiana whether the Clerk of the House has furnished him with a copy of the information that was furnished me touching the expenditures of the House and Senate from the contingent funds? The Clerk of the House some time ago was requested by the gentleman from Indiana as well as myself to furnish some data on expenditures from the contingent funds of the House and Senate. Mr. Page, the Clerk of the House, has furnished me with a list of those expenditures. I wonder if the gentleman has a copy of it?

Mr. WOOD. No.

Mr. GARNER. I would like to furnish him with a copy, to give him the information in case a discussion comes up on an appropriation for the contingent fund.

Mr. LA GUARDIA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Indiana concerning an item that was placed in the bill by the Senate, an



appropriation of \$50,000 for the so-called Crime Commission. It was stricken from the bill on a point of order which I raised in the House. All I know about the action of the Senate is what was stated in the newspapers. The item of \$50,000 was inserted in the Senate, but a limitation was placed on the powers of the commission. May I inquire if the gentleman will stand by the House bill, or is it in contemplation on the part of the House conferees to increase the amount inserted in the bill by the Senate?

Mr. WOOD. Of course, the gentleman knows that the item was stricken out on a point of order. The Senate has restored it, but with a smaller amount and for a limited inquiry. We shall, of necessity, have to bring it back to the House. The conferees can not increase it. That matter is up to the House.

Mr. LAGUARDIA. The conferees can not increase the amount?

Mr. WOOD. No.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRAMTON. The situation is that the conferees can not accept the amendment without bringing it back to the House for a separate vote?

Mr. WOOD. That is the situation.

Mr. CRAMTON. The conferees can neither increase nor decrease it?

Mr. WOOD. They can not.

The SPEAKER. Is there objection?

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. RAMSEYER. Is it the understanding of the gentleman that inasmuch as this is a new item, under the rules of the House, as it appeared in a bill having no law authorizing it and subject to a point of order, being a new proposition, the conferees are not limited to \$50,000? They can go up or down, according to their best judgment?

Mr. TILSON. The conferees can not accept it at all under our rules.

Mr. RAMSEYER. But is it the idea of the gentleman that inasmuch as it can not be accepted, the conferees can not agree to a larger amount, as suggested by the President?

Mr. WOOD. No; we can not. We can not go back of the action of the House.

Mr. TILSON. It must be brought back to the House in any event?

Mr. WOOD. Yes.

Mr. TILSON. Of course, the House could increase the amount?

Mr. WOOD. Yes.

Mr. CHINDBLOM. Reserving the right to object, with reference to the matter discussed by the gentleman from Texas [Mr. GARNER], in regard to items covered by the two Houses for contingent expenses, I understand the question of payment of traveling expenses for clerks to Members is involved. For myself, I will say I have no objection to the proposal of the Senate to make some allowance for traveling expenses of clerks to Members who actually travel on account of the business of the Members, but, if that matter is involved, I hope that some method will be found by which the two Houses will be placed upon a parity.

Mr. WOOD. I will say to the gentleman that that question is not involved in this bill. There was an item of that character placed by the Senate in the legislative appropriation bill, and it was stricken out in conference with the understanding that nothing more should be done at this session of the Congress, but that the whole matter would be taken up at the next session of Congress, possibly. I wish to say, however, that last year when we tried to equalize the salaries between the officers and employees of the House and the Senate, this matter was given consideration, and it was one of the controlling causes for increasing the salaries of all clerks to Members of the House and Members of the Senate.

Mr. CHINDBLOM. I am not asking that anything be done at this time, but I would insist upon parity and equality between the Members of the two Houses.

Mr. WOOD. In any event, it should not apply to one House and be paid out of the contingent fund and not apply to the other House. If the Senate should do that, we would immediately have all sorts of trouble here, and whatever is done should be done by the joint action of the two Houses.

Mr. GARNER. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. GARNER. I called the gentleman's attention once before to the resolution introduced in the Senate with reference to the payment of traveling expenses of clerks to Senators. Does the gentleman recall that?

Mr. WOOD. I recall that. I inquired about that this morning. That was referred to a committee and I hope that nothing will be done with it until both Houses have a chance to consider it together.

Mr. GARNER. If the Senate should pass that resolution before adjournment there would be discrimination in favor of the clerks to Senators in the payment of traveling expenses?

Mr. WOOD. I inquired of the conferees this morning with reference to that very item. We told them that if there was any possibility of that being done that we, during the consideration of the items in conference, would try to protect ourselves by reducing the amendment for the contingent fund of the Senate. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WOOD, CRAMTON, WASON, TAYLOR of Colorado, and AYRES.

#### POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ELLIOTT, TAYLOR of Tennessee, and LANHAM.

#### BOISE NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I call up a conference report on the bill (H. R. 4189) to add certain lands to the Boise National Forest.

The Clerk read the title of the bill.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4189) entitled "An act to add certain lands to the Boise National Forest," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

DON B. COLTON,  
ADDISON T. SMITH,  
JOHN M. EVANS,

*Managers on the part of the House.*

BRONSON CUTTING,  
JOHN B. KENDRICK,  
T. J. WALSH,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4189) entitled "An act to add certain lands to the Boise National Forest" submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

Amendments 1, 2, 3, and 4 are changes in the description of the land, and which thereby limit the area to be added to the Boise National Forest.

DON B. COLTON,  
ADDISON T. SMITH,  
JOHN M. EVANS,

*Managers on the part of the House.*

Mr. STAFFORD. Will the gentleman explain briefly this conference report?

Mr. COLTON. This is simply limiting the number of acres to be included in the forest.

Mr. STAFFORD. It delimits the provisions of the House bill?

Mr. COLTON. Yes.

The conference report was agreed to.



## FOOD AND DRUGS ACT

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes."

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

G. N. HAUGEN,  
FRED S. PURNELL,  
J. B. ASWELL,

*Managers on the part of the House.*

CHAS. L. McNARY,  
JOHN G. TOWNSEND, Jr.,  
*Managers on the part of the Senate.*

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill authorized the Secretary of Agriculture to establish certain standards for various classes of canned food. The Senate amendment adds to the House bill a paragraph prescribing detailed procedure to be followed in establishing such standards and also contains language which might be interpreted to authorize the establishment of standards for all foods, and the establishment of definitions as well as standards; and the Senate recedes.

G. N. HAUGEN,  
FRED S. PURNELL,  
J. B. ASWELL,

*Managers on the part of the House.*

Mr. HAUGEN. Mr. Speaker, I may say that the Senate has receded on all of its amendments.

Mr. JONES of Texas. Then the bill is in exactly the form that it originally passed the House?

Mr. HAUGEN. Yes.

Mr. JONES of Texas. One amendment that the Senate put on gave authority to establish grades on all food supplies. I understand that has been eliminated?

Mr. HAUGEN. That has been eliminated.

The conference report was agreed to.

## OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I call up conference report on the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon

and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

G. N. HAUGEN,  
FRED S. PURNELL,

*Managers on the part of the House.*

CHAS. L. McNARY,  
PETER NORBECK,  
JOHN B. KENDRICK,

*Managers on the part of the Senate.*

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The House bill enumerated certain products which it is declared shall not be covered by the new definition of oleomargarine contained in the bill. The Senate amendment adds to this list other products which it is not intended shall be covered by the new definition of oleomargarine; and the House recedes.

On amendment No. 2: The Senate amendment excludes from the new definition of oleomargarine contained in the bill certain cooking compounds and cooking oils; and the Senate recedes.

On amendment No. 3: The House bill provided that the act should take effect six months after the date of its enactment. The Senate amendment changes this period to 12 months; and the House recedes.

G. N. HAUGEN,  
FRED S. PURNELL,

*Managers on the part of the House.*

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and gentlemen of the House, I have asked this time of the gentleman from Iowa in order that I can again protest against the enactment of this bill. I think it is the most uncalled-for piece of legislation that has been before the House since I have been a Member.

The bill places shortenings in the same class as oleo, under the guise of farm relief. The gap between shortenings and oleo is closed, but the gap between oleo and butter remains the same. Therefore, I can not understand how anyone can claim that the enactment of this measure will in any way stimulate the sale of butter. What you are really doing is to increase the profits of the manufacturers of oleo and similar products, and you all know that large corporations are the manufacturers of oleo. You seek by this bill to require users of such compounds to buy oleo.

You are to-day placing an additional burden upon the unemployed, upon the poorest class of people in the country, because it is only the poor who find it necessary to purchase shortenings; and by placing a tax on shortenings you are making these people pay 10 cents a pound additional for the product.

The housewife who buys shortenings for her children does so because she does not have the money to buy butter. She knows just as well as you do that the food value is not the same.

Had you placed oleo and butter in the same class by increasing the tax on oleo then you would have done something that would have required the people to either buy butter or pay the same price as they would have to pay for butter for oleo, but you have not done this. You know the people of the country would not tolerate such a law.

Again I say you leave oleo as it is, separated in price by 20 cents a pound or more from butter, which makes it evident you have done nothing to help the sale of butter. You help the sale of oleo, which the farmer does not manufacture, by placing shortenings in the oleo class.

I want to be recorded to the end as being opposed to such legislation, which can not be defended.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I was one of the few Johns in the wilderness crying out against the passage of this bill. I cried out in vain and I am not going to cry out any longer. I know my cries would be in vain and futile. I just want to register my protest against the enactment of such legislation. I know that I can not defeat this bill. An objection at this time would only delay the consideration of the conference report a day, if it accomplished that purpose. And I know that we are not strong enough to vote the report down.

The purpose and effect of this bill are at variance with the governmental principles of a republic and a free people. The effect of it is to bludgeon out of commerce a legitimate article of trade in order to make way for another article of commerce. This is inconsistent with the spirit of America, its commerce, its traditions, and its history. I protest and I hope the President of the United States will veto this measure, one of the most vicious pieces of legislation enacted under the guise of promoting the public welfare; but, in fact, bestowing in the most outrageous fashion favor upon a particular class of the people of this country at the expense of a legitimate industry whose operation is threatened with annihilation by the enactment of this bill into law. Its purpose is unjust, unfair, and un-American, and will establish a precedent that will plague the Congress many times in the future.

Mr. LAGUARDIA. Let us try to vote it down this morning.

Mr. JONES of Texas. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. JONES of Texas. I would like to ask the chairman if the conferees agreed to the Senate amendment which eliminated from the operation of this law cleansing compounds, illuminating compounds, and oils of the various kinds named in the amendment, which amendment was similar to the one I offered in the House?

Mr. HAUGEN. The House agreed to the Senate amendment.

Mr. JONES of Texas. The conferees agreed to that amendment in toto?

Mr. HAUGEN. To the gentleman's amendment; yes.

Mr. JONES of Texas. Which eliminates a number of compounds that do not compete with butter in any of its uses.

Mr. HAUGEN. If the gentleman has reference to his own amendment, that was agreed to.

Mr. JONES of Texas. I congratulate the chairman on agreeing to that amendment. It will do much to remove any questions as to the validity of the bill, and at the same time enable it to accomplish all of the purposes for which it was intended.

Mr. HAUGEN. I will not take up further the time of the House. The purpose of the bill is to bring these cooking compounds under the same regulation and under the same taxing provision as oleomargarine, which is a competitive product with butter, and to treat them all alike. [Applause.]

The conference report was agreed to.

#### BENEFITS OF THE SEVENTY-FIRST CONGRESS TO THE SECOND DISTRICT OF VIRGINIA

Mr. LANKFORD of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on some of the results of the work of the Seventy-first Congress.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LANKFORD of Virginia. Mr. Speaker, knowing the very deep interest of my people of the second district of Virginia in national affairs by reason of the numerous and important Government activities in our district, I think perhaps it would be interesting to them for me to summarize the results of the Seventy-first Congress, especially with reference to this district.

This has perhaps been the busiest Congress since the World War, and much constructive legislation of national importance has been enacted which will directly and indirectly benefit many of our people, but it is not of this that I wish to speak, but of those measures which are of especial interest to our people as distinguished from the citizens of the Nation as a whole.

(1) The increased tariff on peanuts. President Coolidge, as one of his last official acts, raised the peanut tariff from 4 to 6 cents and the Seventy-first Congress has increased the tariff on peanuts from 6 to 7 cents. The peanut crop in our section of Virginia is estimated at \$10,000,000. China has for years exported and sold in this country approximately 80,000,000 pounds of peanuts, at a price of between 2 and 3 cents a pound, in American ports, exclusive of the tariff. These come in competition with the nuts grown in Virginia and North Carolina and known as the Virginia variety. With the American market in the future, therefore, saved in large measure to the Virginia and North Carolina peanut farmers from this deadly competition, we can see the tremendous importance of this protection

to our peanut farmers, and I believe they can confidently look forward to an increased price for their product for the future.

It is true that due to large importations of Chinese nuts last year, prior to the raising of the tariff, in addition to a full American crop, to the depressed financial situation, and to several other causes over which the Government or politics has no control, that there was a surplus and the prices have been unsatisfactory this year, but with the market now saved for the American farmer from foreign competition, he can look forward confidently to a better price for the future if he does not produce a surplus of his own home-grown product.

(2) A new Federal office building, for which \$2,050,000 has been appropriated.

It is with special pleasure that I can finally announce this as accomplished, the money being in the United States Treasury and ready to be expended for this purpose as soon as the site can be purchased and plans prepared.

(3) Six hundred thousand dollars appropriated and available at once for permanent buildings at the Hampton Roads naval operating base.

(4) Two hundred thousand dollars authorized for an administration building for the naval air station.

(5) Five hundred thousand dollars for locks in the Albemarle & Chesapeake Canal to be constructed near Great Bridge, in Norfolk County.

(6) Four million dollars for the completion of the modernization of the U. S. S. *Arizona*, now in the Portsmouth Navy Yard.

(7) One hundred and thirty thousand dollars for improvement of dry dock and equipment and power distribution, Portsmouth Navy Yard.

(8) Two hundred and thirty-five thousand dollars for maintenance, Hampton Roads Naval Training Station.

(9) Two hundred thousand dollars for dredging at Hampton Roads naval operating base.

(10) Ninety thousand dollars for improvement of fuel-oil storage at Hampton Roads naval operating base.

(11) Fifty-four thousand dollars improvement of steam system at St. Juliens Creek.

(12) Twenty thousand dollars for water tank at St. Juliens Creek.

(13) One hundred thousand dollars for improvement of flying field at Naval Air Station, Hampton Roads.

#### RIVERS AND HARBORS

(14) Ninety-two thousand three hundred dollars together with \$3,500 annually for maintenance for channel in the Nansemond River, 10 feet deep and 80 feet wide from its mouth to Reids Ferry.

(15) Ninety thousand dollars for an anchorage ground near Craney Island, 30 feet deep, 1,200 feet wide, and 2,400 feet long.

(16) Thirty-one thousand dollars together with \$500 annually for maintenance for channel in Scotts Creek, Portsmouth, Va., 12 feet deep and running from its mouth to a point 100 feet above the Atlantic Coast Line Railroad bridge.

(17) Twenty-five thousand five hundred dollars together with \$1,000 annually for maintenance for a channel 18 feet deep, 150 feet wide, and extending 3,000 feet above the West Norfolk highway bridge in western branch.

(18) Eight thousand five hundred dollars with \$500 annually for maintenance for a channel 10 feet deep and 300 feet wide from deep water in Hampton Roads to a point opposite the wharf at the extreme tip of Willowby Spit.

(19) Eleven thousand two hundred dollars for a channel 30 feet deep and 300 feet wide in the eastern branch extending from the 40-foot channel to a point opposite the terminal of the Imperial Tobacco Co. in Berkley.

#### PRELIMINARY EXAMINATIONS AND SURVEYS HAVE BEEN AUTHORIZED FOR THE FOLLOWING PROJECTS

(20) Southern Branch of the Elizabeth River, Norfolk.

(21) Paradise Creek, Portsmouth.

(22) LaFayette River, Norfolk.

(23) The awarding of the Shipping Board lines known as the Nelson Line and the Roosevelt Line can not be estimated in dollars and cents though they are extremely important in our future development.

(24) The decision of the Post Office Department to award an air-mail route from Norfolk to Pittsburgh also is important from a commercial development standpoint.

(25) Cape Henry Lighthouse was transferred into the custody of the Association for the Preservation of Virginia Antiquities.

(26) The largest airplane carriers in the world—the U. S. S. *Saratoga* and the U. S. S. *Lexington*—were recently sent to the Norfolk Navy Yard, demonstrating the capacity of this yard to accommodate the greatest vessels afloat.



(27) The House Naval Affairs Committee has reported out favorably an authorization of \$30,000,000 for modernization of the battleships *Mississippi*, *New Mexico*, and *Idaho*.

(28) Nineteen destroyers have recently been assigned to the Norfolk Navy Yard as their home port for maintenance and repairs.

(29) The question of restoring the recently burned pier at the Hampton Roads naval operating base has been presented to the Navy Department and the Bureau of the Budget, and it is expected that both will approve the restoration of this pier in concrete at the December session, at an estimated cost of \$850,000.

(30) An investigation is now being made for the construction of a new post office at Smithfield, Va., to be ready at the expiration of the lease on the present quarters, which expires in May, 1931.

(31) In addition to the above specific items of general interest great numbers of our citizens, veterans of the Spanish-American War and the World War, have received either new or increased pensions, and large numbers have received compensation awards, some through congressional action and some through the bureau.

I am sure that our people are deeply appreciative of the recognition which has been given our district by this Congress, as evidenced by the items above set out, and I take this means of expressing my appreciation and that of my people to our many friends in Congress and in the administration who have helped us in the various projects in which we have been interested.

#### TRANSPORTATION OF BLACK BASS

Mr. NELSON of Maine. Mr. Speaker, I present for printing a conference report on the bill (S. 941) to amend an act entitled "An act to regulate the interstate transportation of black bass, and for other purposes," approved May 20, 1926.

The conference report and statement follow:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

JOHN E. NELSON,  
CHAS. A. WOLVERTON,  
J. L. MILLIGAN,

*Managers on the part of the House.*

JAMES COUZENS,  
KEY PITTMAN,  
JAMES E. WATSON,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

All House amendments are agreed to and the bill remains as passed by the House.

JOHN E. NELSON,  
C. A. WOLVERTON,  
J. L. MILLIGAN,

*Managers on the part of the House.*

Mr. NELSON of Maine. Mr. Speaker, in view of the fact that the Senate recedes and concurs in all the House amendments and the bill remains as it was passed by the House, I ask unanimous consent for the present consideration of this report.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of the conference report. Is there objection?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

#### TEN THOUSAND LAKES OF MINNESOTA

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDRESEN. Mr. Speaker and Members of the House, during the heat of the summer when Members of the House will enjoy rest and recreation, I invite you to come to Minnesota. Our State, with its 10,000 lakes and hundreds of streams, abounding with fish of every character, will be the place for you to secure rest and renewed strength to carry on your duties next winter.

Hundreds of ideally located and hospitable summer hotels, situated on the lake shores and easily accessible, will provide for your comfort.

When you come to our State you will find that our people are congenial and industrious. You will also find a State teeming with industry and agricultural activities. In other words, you will find a people who are working hard to make an honest living.

Mr. A. F. Oppel, deputy commissioner of forestry and fire protection for the State of Minnesota, has aptly portrayed the recreational possibilities in our State in the following statement:

Minnesota is well known throughout the United States as a vacation land. Its 10,000 lakes, scattered throughout the forested area, is the magnet that attracts the tourists and the vacation seekers.

Its lakes alone or its forest alone would not have the same attraction. It requires a combination of both to make an ideal vacation ground.

The forests are the home of large and small game and fur-bearing animals. They are the source of trout streams and have a decided beneficial effect in regulating the water levels of lakes and streams which are the habitat of many of our game fish.

The future of recreational privileges cherished by our good people depends upon forest maintenance. So forest protection and reforestation are properly problems for the lovers of out of doors.

The State of Minnesota has approximately 2,000,000 acres of land, of which 407,490 acres have been set aside as State forests to be managed for timber production on forestry principles and such other uses not inconsistent therewith. These State forests offer wonderful opportunities for recreation.

Perhaps half of these areas still contain some good timber. The other half should. They are widely scattered and many of them border on lakes and streams, giving the State a good many hundreds of miles of lake frontage.

All state-owned water frontage has been withdrawn from sale by legislative act. In order to give the people the greatest use of these lands, canoe routes have been opened up, public camping grounds established at various points, and public shooting grounds and game refuges set aside.

Lands not used for public purposes are subdivided into building sites, and these are leased at a nominal sum to anyone desiring to build a summer home on one of our northern lakes or streams. These sites vary in width from 75 feet and upward and are selected with a view to furnishing a good building spot for a cabin.

The State forests, aside from producing lumber and furnishing watershed protection for our lakes and streams, also afford a wonderful playground.

The people of Minnesota own a 32,000-acre tract of land known as Itaska State Park and Forest. This area contains about 100,000,000 board feet of virgin timber. Only the dead and down timber have been cut. Firebreaks have been built through the forest to facilitate fire suppression.

Douglas Lodge, a summer resort in the park, is also owned by the State, and is leased to a competent hotel man, who accommodates thousands of tourists every year. Douglas Lodge overlooks Lake Itaska, a beautiful timber-bordered body of water.

On the north end of the north arm of Lake Itaska the State maintains a free public camping ground, which is visited annually by thousands of pleasure seekers. Itaska Park embraces the headwaters of the Mississippi River, where it is possible for one to step across the mighty Father of Waters.

A herd of about 35 elk roam over an inclosed area in the park, and beaver are numerous and in a thriving condition. The beaver does some damage by cutting down trees for food and shelter, but compensates for this by damming up streams and ditches in the swamp country, thus aiding in the prevention of fire.

#### SHIPSTEAD-NEWTON-NOLAN CONSERVATION BILL—S. 2498, H. R. 6981

Mr. ANDRESEN. Mr. Speaker, I rise in support of the so-called Shipstead-Newton-Nolan conservation bill, for the protection of certain areas in northern Minnesota along the Canadian boundary. The Senate bill has received the approval of the Senate and now lies on the Speaker's desk. The House bill, introduced by my colleague, Representative NOLAN, of Minnesota, known as H. R. 6981, has received the majority report of the Committee on the Public Lands.

The two bills are practically identical, and I therefore desire to urge upon the House the necessity of approving the legislation before the adjournment of Congress.

It should be understood that the bill does not seek to create a new national park or to curtail the systematic management of national-forest lands for economic uses, and that the bill only applies to Federal lands and that no appropriation is carried.

The bill seeks to protect a vast lake land from unnecessary commercial exploitation, which would seriously impair its recreational value, by prohibiting interference with natural lake levels without the permission of Congress, and it protects a fringe of timber on Government lands around the shores of lakes.

In northern Minnesota, on Government-owned land, you will find the last natural stand of wilderness in the Middle West. This district, still largely inaccessible, has so far escaped serious injury at the hands of the lumber and power interests, and it is, therefore, the desire of those who are interested in conservation, to preserve this area in its natural state as far as possible.

Practically all of the large conservation organizations in the United States have given their indorsement to this legislation. The rank and file of the conservationists in Minnesota are entirely in accord and desire immediate passage of the bill.

The people of the Middle West and of the country at large are entitled to have this beautiful section preserved in its natural state. The hundreds of beautiful lakes should not be desecrated by the indiscriminate construction of power dams for private purposes.

The bill should be approved during the present session of Congress, and I hope that the Members of the House will give it unanimous support and that the Speaker and Rules Committee will permit its consideration, as it is a matter of dire emergency in the interests of conservation.

CHARLES W. REED

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4176) and agree to the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 4176.

The Clerk read the title and the Senate amendment, as follows:

An act to extend the benefits of the employees' compensation act of September 7, 1916, to Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture.

Senate amendment:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, will the gentleman yield?

Mr. IRWIN. I yield.

Mr. STAFFORD. In many of these private bills the Senate has incorporated an amendment similar to the one under consideration, giving the claimant the benefit of the workman's compensation act. I wish for the RECORD to contain a statement by the chairman of the Committee on Claims that it is his understanding that the benefit of that act starts from the passage of the respective acts, and is not retroactive.

Mr. IRWIN. I will say that all of these bills passed by the House from the Claims Committee contains that provision, that the compensation for the benefits commences at and from the passage of the act.

Mr. STAFFORD. So it is understood by the gentleman from Illinois that the amendment proposed by the Senate is effective from the date of the enactment of the act and is not retroactive?

Mr. IRWIN. That is my understanding.

The Senate amendment was agreed to.

Amend the title so as to read: "An act for the relief of Dr. Charles W. Reed."

GEORGE W. McPHERSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8242, an act for the relief of George W. McPherson, with a Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

#### CONSOLIDATION OF THE COPYRIGHT LAWS

Mr. PURNELL. Mr. Speaker, I call up House Resolution 264. The Clerk read the resolution, as follows:

House Resolution 264

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12549, a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Patents, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. CHINDBLOM. Mr. Speaker, I reserve a point of order on the report of the Rules Committee, which I think is raised for the first time.

Mr. MICHENER. I call for the regular order.

Mr. CHINDBLOM. Mr. Speaker, if pressed, I will make the point of order that the resolution from the Committee on Rules is not in order because it relates to a bill which is not now upon the calendar of the House under the conditions and in the status which existed when this resolution was adopted by the Committee on Rules.

The calendar shows that H. R. 12549 was reported to the House on June 24, 1930, Report No. 2016, and was placed on the House Calendar. The resolution or rule now called up for consideration by the Committee on Rules was presented to the House June 20, 1930, and therefore before the bill on the calendar had been reported to the House.

Of course, we all know that this bill is now upon the calendar for the third time. A previous rule was adopted for its consideration on June 12, 1930, and at that time a point of order was made, when it was sought to take up the bill in Committee of the Whole House on the state of the Union, on the ground that the report did not comply with the Ramseyer rule. Subsequently, after the present rule was presented in the House on June 20, 1930, I think it is well known that another irregularity in the adoption of the report became known, so, on June 23, if my recollection is correct, the chairman of the Committee on Patents obtained unanimous consent to withdraw the bill and the report, and the bill was thereupon again reported the following day and placed upon the House Calendar.

The situation is novel and arises, so far as I can learn, for the first time, and it raises the question whether the Committee on Rules has authority in advance of the report of a bill, and in advance of the placing of a bill on any calendar of the House, to bring in a rule for the consideration of the bill under the general rules of the House, as this resolution does, because the rule merely makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill. As I construe the rule, it does not suspend any of the rules of the House in reference to the consideration of legislation. It does not suspend the rule which requires bills to be upon the calendar of the House before they can have consideration. It merely makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. TILSON. Does not the effect of this resolution date from the time it is adopted by the House, and not from the time it was reported by the Committee on Rules? And if we to-day in the House adopt the rule, is not the effect of the rule to be applied as of to-day, and not three or four days ago, when the rule was reported?

Mr. CHINDBLOM. I will say to my distinguished leader and friend that I think that is one of the questions that the Chair will properly take into account, but I am now objecting to this rule as coming from the Committee on Rules upon the ground that the committee adopted this resolution and presented it to the House before the bill for which it provides consideration upon the present state of the calendar was in the



House, before the bill was upon any calendar of the House, before the bill had been reported to the House; and, of course, the bill can not be considered under this resolution unless the Speaker holds that this resolution suspends the rules with reference to reporting bills to the House and placing them upon the proper calendars before they can receive consideration in the House.

Mr. PURNELL. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. PURNELL. Does the gentleman contend a bill must be on the calendar before the Rules Committee can report out a resolution to make it in order?

Mr. CHINDBLOM. If the Rules Committee brought in a report suspending all rules of the House, that might be possible; but they have not done that in this case. They have simply provided that it shall be considered under the ordinary rules of the House, and that it shall be in order to move to go into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. PURNELL. Mr. Speaker, there is another fact in connection with this matter. This is the second resolution presented by the Rules Committee for the consideration of this same identical bill. As the Speaker knows, a point of order was made against the consideration of the bill when the attempt was made to go into the Committee of the Whole House on the state of the Union. The point of order was sustained because the report did not comply with the Ramseyer rule. It is my opinion that the original resolution which the Rules Committee presented to the House making in order this identical bill is still effective; but in order to obviate any objections, the Rules Committee presents another resolution. Subsequent to the filing of it another irregularity was discovered, of which the Rules Committee had no knowledge. It is true, as the gentleman states, that the present bill was subsequently reported to the House, but it is our contention, at least it is mine, that the original resolution might make in order the consideration of this bill.

Mr. MICHENER. Mr. Speaker, I do not agree with my colleague that the original resolution is in order. My contention is that when that resolution was brought before the House for a vote and the resolution or rule was passed, that resolution had spent its force; that it was dead. The Rules Committee in charge of the resolution brought it before the House, the House voted upon it, and then the Rules Committee withdrew, whereupon the chairman of the Committee on Patents rose and moved that the House go into the Committee of the Whole House on the state of the Union, as provided in the rule. At that juncture a point of order was made, it being claimed that the bill was not properly on the calendar, and it was found by the then occupant of the chair that the bill was not properly on the calendar. It was stricken from the calendar and recommended to the Committee on Patents.

Later the committee made another report. The committee again asked the Rules Committee for another rule. The Rules Committee inspected the calendar and found the bill, *prima facie*, properly upon the calendar, and granted the rule. Later it was found that the Patents Committee had not complied with the rules of the House in reporting the bill, in that it had held a session of the committee during the session of the House without permission. Therefore the bill was again stricken from the calendar. We find ourselves now in this position: A rule has been granted in the regular way for the consideration of a bill which was, from all appearances, properly on the calendar. The bill has since been taken from the calendar, the defects in the report corrected, and placed back on the calendar, and to-day we have a rule which provides that it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12459. The report of the committee has nothing to do with this bill so far as its consideration is concerned. It is properly on the calendar at this time, and it is our contention that the rule waives all other rules to such an extent that the House should be permitted to vote upon the question of whether or not it will take up this bill for consideration in the committee.

The SPEAKER. The Chair is prepared to rule.

Mr. CHINDBLOM. Mr. Speaker, just one observation. I hope the Chair will not at this time pass upon the question as to the effect of the prior rule. That rule had been adopted, and pursuant to it the House was about to act, and the chairman of the Committee on Patents had moved that the House resolve itself into the Committee of the Whole House on the state of the Union. I concede that this presents a quite different question. I agree entirely with the gentleman from Michigan [Mr. MICHENER] that in the former case the rule had spent its force, but I am now submitting the question whether the Committee on Rules may report for consideration under the general rules of the House a bill which is not the same bill that is upon the calendar when the time arrives for consideration.

Mr. MICHENER. But it is the same bill with a different report.

Mr. CHINDBLOM. The Chair can not assume that. The Chair will know that a bill was on the calendar, and that that bill was taken off the calendar and subsequently put back upon the calendar after the rule was reported to the House by the Rules Committee.

The SPEAKER. The Chair is prepared to rule. It is not necessary to pass upon the question of whether the original rule for the consideration of this bill is still alive or not. The Chair, when the matter was originally submitted to him, informally expressed a grave doubt as to whether it would be considered alive. But this rule is an entirely different rule. It appears now for the first time for consideration. The Chair is aware that this bill has had a rather stormy passage. It has been twice rereferred to the committee, but as the bill now appears, so far as the Chair is advised, it is properly on the calendar as of June 24, 1930, and this special rule is properly reported to consider that bill. The Chair thinks that all that special rules of this sort do is to put bills for which they are provided in the same status that a revenue or appropriation bill has under the general rules of the House. Clause 9 of Rule XVI provides:

At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.

Now all that this special rule does is to give the same status to this particular bill at this particular time. The Chair has no hesitation in saying that the Committee on Rules has acted with authority, and that it will be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill after the resolution is passed.

Mr. PURNELL. Mr. Speaker, I have no intention to take up more than a minute of the time of the House in a discussion of this resolution. The House is generally familiar with the provisions of the bill H. R. 12549. The purpose of the rule is to make it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. Does the gentleman from Alabama desire to use any time?

Mr. BANKHEAD. No; I have no requests for time.

Mr. PURNELL. Then, Mr. Speaker, I move the previous question on the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

Mr. BUSBY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Abernethy	Curry	Johnston, Mo.	Sirovich
Aldrich	Dempsey	Kading	Smith, W. Va.
Allgood	De Priest	Kemp	Snell
Andrew	De Rouen	Kendall, Pa.	Somers, N. Y.
Aswell	Dickstein	Kennedy	Sparks
Auf der Heide	Douglas, Ariz.	Kerr	Spearing
Bachmann	Doutrich	Kiefner	Sproul, Kans.
Barbour	Doyle	Kunz	Stalker
Beck	Drewry	Kurtz	Stegall
Bloom	Edwards	Langley	Stedman
Bohn	Estep	Lindsay	Stevenson
Boylan	Finley	McMillan	Stobbs
Brand, Ga.	Fish	McReynolds	Strong, Pa.
Brigham	Fitzpatrick	Magrady	Sullivan, N. Y.
Britten	Fort	Mansfield	Sullivan, Pa.
Brumm	Free	Michaelson	Swick
Brunner	Fuller	Montet	Taylor, Colo.
Buchanan	Gambrill	Murphy	Temple
Burdick	Gavagan	Nelson, Wis.	Treadway
Burness	Gibson	Nolan	Underhill
Byrns	Gifford	Norton	Vinson, Ga.
Carley	Golder	O'Connor, N. Y.	Wainwright
Celler	Graham	Oliver, N. Y.	Walker
Chase	Granfield	Owen	Watson
Clark, N. C.	Griffin	Peavey	Welsh, Pa.
Cochran, Pa.	Hoffman	Pratt, H. J.	Whitehead
Cole	Houston, Del.	Pratt, Ruth	Williams, Tex.
Connolly	Hudson	Quayle	Williamson
Cooke	Hudspeth	Rayburn	Wilson
Cooper, Wis.	Hull, Tenn.	Reece	Wingo
Corning	Igoe	Romjue	Wolfenden
Coyle	James	Seger	
Crisp	Jeffers	Selvig	
Cullen	Johnson, Ill.	Sinclair	



The SPEAKER. On this vote 295 Members are present—a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### AMENDMENT OF COPYRIGHT ACTS

Mr. VESTAL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. HOCH] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. VESTAL. Mr. Chairman and ladies and gentlemen of the committee, at this particular moment I am not going to take a great deal of time, but I do want to make a brief statement relative to the bill now before you for consideration, the bill known as the bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union.

For many years those familiar with the copyright laws of this country have urged the necessity of a general revision. The present law is admittedly imperfect and confusing and is inconsistent in expression.

A great development has taken place in connection with both the subject matter of copyright, the means for its communication to the public, and as to the countries in which copyrighted material may be utilized to advantage. In view of the fact that the last general revision of the copyright act took place in 1909, attention need only be directed to the vast field of radio and the mechanical reproduction of sound to illustrate the unforeseen developments that have taken place since that date.

Few people realize how vast the field is that is covered or affected by copyright legislation. For many years last past the Patents Committee has held hearings with a view to reframing the general copyright law of the United States. These hearings have been attended by authors of all kinds, including novelists, dramatists, poets, painters, designers, sculptors, musicians, and composers, as well as printers, bookbinders, booksellers, map makers, representatives of periodicals, motion-picture producers and distributors, theatrical managers, makers of mechanical phonograph records, makers of piano-player rolls, representatives of radio, libraries, and others too numerous to mention. The difficulties of framing comprehensive legislation so as to deal fairly with all of these interests, many of which deem that they should have rights conflicting with one another, need scarcely be emphasized. All of them seem to have agreed on one point, and that the necessity for the complete and drastic revision of the copyright act. Most of them—in fact, all of them with possibly one or two exceptions—have indorsed this bill, and the exceptions indicated have approved all of its provisions except the divisibility feature. A nearer approach to unanimity of opinion on the part of those affected can probably never be reached in any bill covering this field.

I might say that the small group of people who first opposed the divisible feature of this bill have withdrawn all of their opposition, and so far as I know and as far as the committee knows, no one or no group of people is opposed to this bill.

In my limited time I can only touch in a general way on what the bill proposes to accomplish. It proposes:

First. Automatic copyright, by which the copyright is conferred upon the author upon creation of his work.

Second. Divisible copyright, which permits the assignee, grantee, or licensee to protect and enforce any right which he

acquires from an author without the complications incident to the present law.

Third. International copyright which enables American authors merely by complying with the provisions of this act, to secure copyright throughout all the important countries of the world without further formalities.

Taking the last of these provisions first, I desire to say that it is highly desirable that the United States enter the International Copyright Union. This is a combination of 40 or more of the leading nations of the world, and under its articles any author whose work is copyrighted in one of the countries of the union automatically obtains protection in all other countries. To adhere to the international union it is essential that copyright be secured without any formality. It is necessary, therefore, prior to our adherence to the union, that our own law be amended to provide for automatic copyright in authors' works. The need of adequate international legislation is clear. The work of American authors increasingly appeals to foreign countries. A very large proportion of our Broadway plays are continuously produced in European capitals and practically all of our motion pictures are shown abroad. Book publishers report that with adequate protection they can establish large export businesses.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. AYRES. Under the provisions of this bill what will be necessary for a foreign author to do in order to be protected?

Mr. VESTAL. He can get automatic protection in this country by getting a copyright in the country in which he resides, provided we belong to the Copyright Union.

Mr. LANHAM. And an American author can get the same protection in foreign countries?

Mr. VESTAL. Yes.

Mr. AYRES. It protects the foreign author in this country and the American author in foreign countries?

Mr. VESTAL. Yes.

Mr. BRIGGS. Will the gentleman yield?

Mr. VESTAL. May I complete my statement? I will be glad to yield then.

Substantially all the nations of the civilized world are parties to the Berne convention, which created an international union for the protection of literary and artistic works and was signed at Berlin on November 13, 1908. The only exceptions are countries like Russia, China, and Siam, and some of the South American countries.

Mr. O'CONNELL. And the United States?

Mr. VESTAL. And the United States. Practically all, if not all, the commercial interests interested in this legislation, as well as the authors, composers, and artists appearing before the committee, have been increasingly desirous of procuring the entry of the United States into this union. The practical advantages are great. The testimony before the Patent Committee shows that the United States world market in many of the works covered by copyright will be seriously imperiled were the United States not to adhere to the Berne convention. To-day the protection afforded the American author abroad is very precarious. His present method of securing protection is to copyright in Great Britain, and by that means to obtain copyright through the International Union.

At the last convention of the union it was provided that citizens of a nonunion country should not be entitled to copyright through the union merely by obtaining copyright in a union country. Recognizing that this clause would adversely affect American citizens, through the splendid work of that splendid gentleman on the other side of the aisle, the gentleman from New York [Mr. BLOOM] together with Mr. Solberg, former register of copyrights, both delegates to the Rome convention in 1928, the door which would have closed against us was kept open and the time extended to August 1, 1931, to permit us to amend our copyright laws by which automatic copyright might be secured, so we might become a member of this international union. Entry into the union is intended by this bill, and if the United States fails to enter the evidence is convincing that its authors, publishers, and producers will be subject to retaliatory legislation abroad within a very few months.

As said above, we can enter the convention only by amending our own copyright law so as to permit, among other things, automatic copyright—that is, copyrighting without any formality. What is meant by automatic copyright? To-day under the common law any person who creates a literary work has a common-law copyright in that work, but he only secures protection upon publishing the work with notice of copyright attached. This bill proposes to write a Federal statute in conformity with the common law, so that the creator of the work will be the owner of the copyright, and provides that he will



have this copyright without attaching to it any words and without publication. Any author who produces a typewritten manuscript owns his common-law right in it just as securely as he owns his house and lot or his automobile, and without any formality whatever. That is the law now; and copyright—which is the mere right to copy—becomes effective only upon publication. When an author's work is published, if published with a copyright notice, it is protected, and if it is published without a copyright notice it is not protected. The bill we are considering proposes to wipe out this formality of giving protection only upon publication and notice and protects the author in his creation, the same as you are protected in any property that you own. This form of copyright has existed in England and practically all of the civilized countries of the world, except, as above stated, in Russia, China, the United States, and Siam, for more than 19 years.

Mr. O'CONNELL. And the United States?

Mr. VESTAL. And the United States.

The purchasers and dealers in copyrightable material are carefully protected in this bill by a series of sections relating to the registration of copyright and recording of assignments; so the whole purpose of automatic copyright is to place in the author in the first instance his own copyright. You will find this in section 1 of the bill, which provides for the vesting a copyright on creation without formalities or conditions in all the writings of an author, whether published or unpublished.

The second provision of the bill to which I specifically desire to call your attention is divisible copyright, which permits the assignee, grantee, or licensee to protect and enforce any right which he acquires from an author without the complications incident to the old law. Section 9 of the bill before us takes recognition of the universal commercial practice of treating the separable rights that are comprised in a copyright as assignable. May I say to the committee that these producers of plays have been made to see how erroneous their position was, and I have a telegram signed by every producing manager in America asking that this bill be passed as soon as possible.

Mr. BUSBY. Will the gentleman yield?

Mr. VESTAL. I would like to finish my statement, and then I will be glad to yield.

At the present time copyright is indivisible, technically speaking. In practice, however, this is not at all true; but, on the contrary, the holders of copyrights freely transfer the separate rights that are comprised in a copyright. This section is drawn in a large part from the English copyright law of 1911 and has caused no injustice or inconvenience in practice in England or in Canada or Australia, where similar provisions are in force, so far as any testimony was adduced to the Patents Committee.

Under the present law an author may write a manuscript and sell the serial rights in it to a magazine, say, the Saturday Evening Post. There is no copyright existing until after publication of the serial. The Post probably desires only the serial rights and pays the creator of the story, or agrees to pay him, a certain sum of money. Upon publication, however, the copyright may be in the name of the magazine publisher, who published the serial rights only, instead of in the owner of the manuscript. Now, if the author sells his book rights in the same manuscript to a book publisher, and there should be some infringement, and the book publisher desires to protect himself, he can do so only by joining in a suit the person owning the copyright, not the author.

What this bill proposes by divisible copyright is that when an author sells his serial rights to a magazine publisher he gives a legal title to those rights and the magazine can protect and enforce its rights as against any person who should attempt to infringe them. Under the present law, while the magazine publisher only purchases the serial rights, he must assign back to the owner of the manuscript all the other rights he may have in the manuscript, provided, of course, the author is aware of his rights and makes a proper contract. The owner is not barred under the present law from then selling his book rights to a book publisher, his motion-picture rights to a motion-picture concern, and his stage rights to a producer, but he can not give legal title to those rights and if an infringement occurs the party who owns the copyright must be made a party to the action. As I said a while ago, the difficulty with the present law arises on the question of enforcement of rights in case of infringement. If the purchaser of a motion-picture right finds his right infringed by some rival, he must join the copyright proprietor in a suit. The copyright proprietor may have been a magazine, and it may be out of business. He may have been the author, and he may be in some foreign country. In any case, under the theory of our courts, the presence of the copyright proprietor is necessary as a party to the suit.

All that this section purports to do and all that it does do is to permit an author or owner of any copyright to assign,

grant, or license any part of his copyright and to confer upon the assignee or licensee a right which can be independently protected and enforced in a court of law. This section makes the law conform with the best trade practices. What the author wants and what the reputable purchaser needs is a good title to the right he purchases.

For instance, you own a farm of 80 acres, and it is divided into four 20-acre fields. You have the right to sell any one of the fields and give a title to it, or you can sell it all if you desire, and give a good title. This section of the bill purports to give to the owner of the copyright the same right that you have to divide your farm and to give a clear title to any part of it that you sell.

The only opposition to turning these equitable rights, as they are now, into legal rights—purely a technical matter—has arisen from certain of the producers of stage plays. Their testimony entirely ignores the plain facts that they have no rights which they do not now derive from authors of plays by contract. It is entirely open to the producers of plays to refuse to produce any plays where a contract unsatisfactory to them is suggested by the author. The manager is in no different position from anyone else who deals with a copyright proprietor. The rights of all such persons are solely determined by the contracts made. The suggestion that this section, if enacted, would destroy the spoken drama is erroneous indeed, for it would not change the practice with reference to transfer of rights in the slightest degree. The only change that it makes of importance is in the situation that arises in cases of infringement above explained.

I wish to emphasize that at the present time an author may dispose of any right comprised in his copyright just as freely and no more freely than he could in the proposed section. The practical difference, as stated, between the existing law and practice and the rule laid down in this section is essentially one of remedies in the case of infringement. Where the dramatic rights are infringed this change of form of rights should be as welcome to the holders of dramatic rights as to everyone else engaged in commercial enterprises connected with copyright.

The question of infringement of copyright is one of the most important features involved in the bill before us. Under the present law remedies for infringement are: Injunction, all of the profits, actual damages, statutory damages. While these remedies still exist in the new bill they take into consideration practical conditions. The bill contains a provision in section 15, subsection (b), as follows:

To pay, such damages to the owner of the right infringed as he may have suffered due to the infringement as well as all or such part of the profits which the infringer shall have made from such infringement as the court may decree to be just and proper.

This bill also takes into account the good faith of the innocent infringer. The present law makes no distinction between the willful infringer and the innocent infringer.

As to copyright records and titles, the bill not only provides for a simple method of registration of a claim to copyright and for the recording of instruments or assignments, licenses, grants, or rights, but it practically makes such registration and recording as advisable as is the recording of deeds. The bill does not make the ownership of copyright hinge upon any formality, but it does excuse innocent infringers and others who have had no notice by way of record or otherwise. The advantage of this provision is that the negligence which may affect the rights of an author or copyright owner can be only his own negligence. Under the present law a mistake in a copyright notice made by a printer's devil in a publishing house might invalidate the entire copyright of the author or publisher. Under the proposed bill the copyright is preserved under all circumstances, so that no man can be deprived of it except by assigning or otherwise disposing of it.

The present law provides for a period of 28 years and an extension of 28 years, or 56 years in all, for the term of copyright. Under the proposed bill we have fixed the time for the life of the author and 50 years. Practically all the other civilized countries have this term, and we believe that the American author ought to have as much protection as the authors in foreign countries.

Mr. O'CONNELL. That is the question that everybody is interested in—the life of copyrights—if the gentleman will go into that thoroughly.

Mr. VESTAL. I intend to do that.

#### LIFE AND 50 YEARS

The present term is 65 years after publication. A term dating from publication can not be used in the new bill, because publication is not made a prerequisite to copyright. Under the Constitution the term must be limited; therefore the most prac-



tical date from which to measure the copyright term is the death of the author.

#### REASON FOR 50 YEARS

The 50 years after death insures to the immediate family and heirs of a writer of genius an income for a reasonable period. Fifty years is shorter than the present term in some instances, longer in others. On the average, it is approximately 14 years longer than the present term. Life and 36 years by statistical calculation is the nearest equivalent to the present term of 56 years after publication. Fifty years is the commonest term among other countries.

#### ADVANTAGES OF UNIFORMITY

Fifty years after death is the term in all English-speaking countries, in France, Italy, Belgium, Denmark, Norway, Portugal, and several other nations. By far the largest part of our marketing relations are with the countries who use this term. Uniformity saves confusion and puts our authors on an even footing when they have literary property to sell in those countries—a play, book, or picture.

American plays are on the stages of London, Paris, Buenos Aires, and Shanghai. American movies are exhibited throughout the world. This market for books, plays, movies is threatened. In fact the Patents Committee is convinced that unless this bill is passed and American authors and playwrights are given copyright protection abroad the market will be entirely lost, legally closed to American labor by the foreign governments, practically closed to American authors. Foreign distribution of works by American authors not only means an increased revenue to American business concerns and American labor, but it means the extension of American ideas into foreign countries by the most entertaining methods possible, namely, by literature, drama, and pictures. Time, therefore, is of the essence in this matter and it is fair to say that if this bill is not immediately passed in the present session, the delay may be fatal. Congress can not afford to take the chance.

#### KEEPING GOOD WORKS ALIVE

Without exclusive rights the author's publisher or agent does not keep books alive or keeps alive only the high spots of a list, this to the manifest disadvantage of the author's reputation and a real disadvantage to the public. Public libraries where books of literature can be borrowed without charge, complain that books which are controlled by nobody are never kept in print, though they are much needed. Houghton Mifflin keeps all the works of Thoreau in print, and the public would see nothing but "Walden" if this publisher did not have this proprietary interest.

#### PROMINENT AUTHORS WHO LOST COPYRIGHT DURING THEIR LIFETIME UNDER OLD LAW

The average extension of the term of 14 years, which the committee recommends, will save grave injustice to authors whose works may be produced in the early productive period of their life, for often in the past, under our present law, they have been left without income from these masterpieces at the end of their days. Only the works of real value are in demand to the end of this term and society does not begrudge to creators of fine material or to their immediate descendants the benefits of controlled distribution, especially when practical facts prove that this does not increase the price to the public.

#### NEED OF INTERNATIONAL COPYRIGHT PROTECTION FOR AMERICAN WORKS

American plays are on the stages of London, Paris, Buenos Aires, and Shanghai. American movies are exhibited throughout the world.

#### AMERICAN MARKET NOT CENTER TO FOREIGN MARKET ARGUMENT—BOOKS

There is imminent need from the standpoint of America for international copyright. We should have this legislation now. The emergency is an urgent one. It is a known fact that Great Britain through her authorized representatives has threatened the United States within the past three months with retaliatory legislation if the United States does not enter the International Copyright Union and make possible for the British author, who sells in America, copyright protection. There is no doubt about the attitude of Great Britain on this subject. The words have been spoken and written and are the subject of a document. The articles of the International Copyright Union, adopted at Rome in 1928, provide that no citizen of a nonunion country shall receive protection under the articles of the union—even if he is able to secure copyright in one of the countries adhering to the union. These signs point to but one thing, and that is that Great Britain and Europe intend legally to shut us out of the foreign market in the future where that market has in the past been available only as a matter of courtesy. The foreign market for American plays, books, and motion pictures is very considerable. It is a market that is steadily increasing. It

must continue to exist and must continue to increase. Congress should not let Europe cut off this market. If this bill is not passed at this session the market will be lost. Foreign distribution of works by American authors not only means an increased revenue to American business concerns and American labor, but it means the extension of American ideas into foreign countries by the most entertaining methods possible, namely, by literature, drama, and pictures. Time, therefore, is of the essence in this matter, and it is fair to say that if this bill is not immediately passed in the present session the delay may be fatal. Congress can not afford to take the chance.

#### RADIO PROTECTION FOR AUTHORS AS WELL AS COMPOSERS

The one right that authors are getting under this bill that did not exist under the old act is that the new bill secures to literary authors—by securing it to all authors—their radio rights. Heretofore, under the old act only music and dramatic works were protected so far as radio performances were concerned, so that the situation under the present law is as follows: If a fable by George Ade appeared in the *Cosmopolitan Magazine*, the radio people would have the right, since that is a purely literary work, to broadcast it on the same day that it appeared in the magazine, thus depriving the *Cosmopolitan* of the exclusive benefit to which it is entitled. The new bill gives all authors radio rights in all creations. It extends to authors of literary works rights now extended to composers and dramatists. This is reasonable and fair.

Mr. BLANTON. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. BLANTON. All of the provisions of the gentleman's bill are to be executed by the Copyright Office?

Mr. VESTAL. By the Copyright Office; by the register of copyrights.

Mr. BLANTON. Which is in the Library?

Mr. VESTAL. Which is in the Library.

Mr. BLANTON. That is the reason I asked the question. There is a copyright division in the Patent Office, is there not?

Mr. VESTAL. Well, that is designed copyrights. There is a bill on the calendar to change that and put it in the register of copyrights.

Mr. BLANTON. Could that not have been done in one bill?

Mr. VESTAL. It might have been done, but we thought the scope was too broad.

Mr. BLANTON. But, the gentleman does intend to soon pass a bill which will protect that branch of the copyright business?

Mr. VESTAL. Yes. Certainly.

Mr. BLANTON. And is the gentleman going to bring that in under a rule or a suspension?

Mr. VESTAL. I hope to bring it up under a rule.

Mr. BLANTON. And to have it passed before this session of Congress adjourns?

Mr. VESTAL. Yes.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. OLIVER of Alabama. To what extent do the changes which are proposed bring us in conformity with the law of other countries?

Mr. VESTAL. There are only two changes that are necessary to be made. One is the copyright without formality—that is, a copyright upon creation of the work—an automatic copyright. The other is that under the present law before an English author, for instance, can secure a copyright in the United States he must come to the United States and publish his books from plates made in the United States. The American Federation of Labor has waived its rights to that, and those are the two things which will have to be changed.

Mr. BLANTON. Will the gentleman yield further?

Mr. VESTAL. I yield.

Mr. BLANTON. The copyright office in the Congressional Library protects books and writings. The trade-mark division in the Patent Office protects trade-marks. Why is it that our Government has not some bureau which will adequately protect names that are not trade names?

Mr. VESTAL. Does the gentleman mean trade names?

Mr. BLANTON. Not a trade name, but, for instance, in my district there is a university that has a very important cowboy band. It is called "The Cowboy Band." It is incorporated. It wants its name protected. It is not a trade name, because it is not in a trade business.

Mr. VESTAL. I am not sure. Perhaps the gentleman from Texas [Mr. LANHAM] can answer that question. I do not know whether the new trade-mark bill which was recently passed will protect that kind of a case or not.

Mr. BLANTON. It does not go quite that far. Such names should be protected.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VESTAL. I yield.



Mr. **LAGUARDIA**. I think if anyone adopts a name and operates under it, if anyone uses it, his protection would be under unfair competition.

Mr. **BLANTON**. But there is no competition, because it is not a business. It is only a university band that does not exist for profit, but it wants to maintain and protect its name.

Mr. **VESTAL**. Now, ladies and gentlemen, I will have to conclude. In concluding my remarks I can do no better than to give you the concluding paragraph of the report on this bill:

I am convinced that here is legislation which will wipe out the inadequate and oppressive and complicated features of the present copyright act of 1909; a bill which will adequately protect both authors and those with whom they deal; which will clarify titles; protect original or acquired interests and rights in literary and artistic property; which will make for the direct enforcement of rights; which will have due regard for the innocence of inadvertent wrongdoers; which will prevent unduly excessive and drastic measures, yet will work substantial justice in infringement cases. Which will, in other words, place literary and artistic properties and their exploitation upon a proper business basis, subject so far as possible to the legal rules and regulations governing other property and other businesses; and which, finally, will open up to our literary and artistic creators and their assignees a world market where their wares may be as safely and successfully exploited as though they were at home.

#### STRATEGIC POSITION OF THE AMERICAN PRODUCERS OF BOOKS AND PRINTED MATTER

Sixty per cent of the English-speaking people of the world are in the United States.

Seventy per cent of the English-speaking people of the world are on this continent.

The predominance in purchasing power is far greater.

American business starting off with their control of this big home market is in position to take the initiative in the world market, and our exports, now greater than our imports, are on the verge of a big expansion of retaliatory legislation. Antipathy is avoided by the passage of H. R. 12549.

Mr. **McCORMACK** of Massachusetts. Will the gentleman yield?

Mr. **VESTAL**. I yield.

Mr. **McCORMACK** of Massachusetts. I would think a very powerful piece of evidence would be for the gentleman to put in the Record how organized labor feels about this proposed legislation, how the authors feel about it, and how the newspapers feel about it.

Mr. **VESTAL**. May I say that it is shown in the report that American labor is absolutely for it, all the publishers are for it, the newspapers are for it, the magazines are for it, and every interest in the country that is affected is for the bill, so far as we know?

Mr. **LAGUARDIA**. How about the producers of the spoken drama? Have they changed their position?

Mr. **VESTAL**. I thought I had their telegram here with me. I would like to put that in the Record.

Mr. **BLANTON**. Are the people for it?

Mr. **VESTAL**. I will say to the gentleman it is pretty hard to bring the people of the country before a committee, but this committee has worked on the bill for six years, and we have tried to harmonize all the interests involved, so as not to hurt the people, and yet give to the authors the protection they ought to have.

Mr. **CULKIN**. Will the gentleman yield?

Mr. **VESTAL**. Yes.

Mr. **CULKIN**. Some time ago I had up with the gentleman the question of the infringement of a copyright of a musical selection. Perhaps the gentleman remembers that. It was a case where an orchestra in a small village played a given selection which was copyrighted. The musical program was run in the local paper, and immediately from New York came word to prosecute under the copyright law.

Mr. **VESTAL**. Yes.

Mr. **CULKIN**. The copyright owner brought an action in the supreme court against this semisocial gathering held under the auspices of the Odd Fellows, I think, and compelled them to pay attorneys' fees and \$50 of costs. What provision is there in this bill for printing on the face of the music something with reference to the probable penalty or the probable liability?

Mr. **VESTAL**. I will say to the gentleman there is nothing in this bill of that kind, but I hope my friend the gentleman from Texas will take up that part of the argument and discuss it.

Mr. **CULKIN**. Just one more question. I notice in this bill, after amply fortifying them with respect to their civil remedies, the measure contains a misdemeanor section, with a 3-year statute of limitation. In my opinion that section, in view of the

experience of these people in this small community, will be very fruitful of blackmail. I do not believe that provision should be in the bill.

Mr. **VESTAL**. We do not want to have anything of that kind.

Mr. **CULKIN**. It will form the basis of blackmail, in my opinion, and should be stricken out.

Mr. **VESTAL**. Mr. Chairman, I reserve the balance of my time, and yield two minutes to the gentleman from Minnesota.

#### CONDITIONS AT THE GOVERNMENT PRINTING OFFICE

Mr. **KNUTSON**. Mr. Chairman, I ask unanimous consent to speak out of order for two minutes.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **KNUTSON**. Mr. Chairman, if one may believe the press version of the difficulties at the Government Printing Office, it would seem that bureaucracy has broken out there in its most vicious form. It appears to me that Congress could very properly investigate the controversy raging between the Public Printer and the employees of the Printing Office. As a member of the Typographical Union, I want to know by what right the Public Printer has issued an order which will compel 200 employees of the Printing Office to work an hour longer each day, and I believe that a special committee should be appointed to conduct such an investigation.

We are led to believe that the whole thing arises from the fact that a few of the employees have been betting on the races. While I deplore gambling in any form, I challenge the right of the Public Printer or any other bureau official in the Government service to punish by inflicting longer hours, lay-offs, or fines upon any employee who may be guilty of betting.

We have an unemployment situation in this country which is serious. The solution of the problem lies in shorter rather than in longer hours. The action of the Public Printer in lengthening the hours of toil is merely aggravating the situation. But, aside from that, there are other phases that should be looked into by a congressional committee. The employees at the Government Printing Office are neither minors nor serfs.

Mr. **LARSEN**. Will the gentleman yield?

Mr. **KNUTSON**. I yield to the gentleman.

Mr. **LARSEN**. Does the gentleman also challenge the right of the employees to gamble during office hours and working hours?

The **CHAIRMAN**. The time of the gentleman from Minnesota has expired.

Mr. **KNUTSON**. I would be pleased to answer the gentleman, but my time has expired.

#### REVISION OF THE COPYRIGHT LAW

Mr. **LANHAM**. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. **BUSBY**].

Mr. **BUSBY**. Mr. Chairman, I seem to be practically the only one who has studied this bill that comes before you to oppose it in a vigorous sort of way.

I am sure each one of you understands that the copyright law is a very technical law. It is a law that even lawyers do not become acquainted with in the general practice of the law, and for this reason I ask you to go along with me as carefully as you can and show as much patience with my feeble efforts as it is possible for you to do, because the only interest I have in opposing the enactment of this bill is the interest of the masses of the people.

Coming directly to the questions involved, we are asked to take up in this bill the entire copyright law of our country, to repeal it, and to enact a law which has been dictated to us by nobody in the world except the selfish interests that are to be served. I say this without the fear of any individual contradicting it successfully.

Sitting in the gallery to your right are the counsel and the lobbyists for this bill, some of whom, I am informed, are receiving as much as \$100,000 a year from the monopolies they have organized to put over this legislation. [Applause.] There is no doubt about it, gentlemen. They do not deny it.

I come now to a question that was presented by the chairman just a moment ago. He states that every interest in this country is for this bill. I read to you a telegram dated June 16, 1930:

Representatives of every interest concerned with the legitimate theaters, dramatic and musical producers of the United States attended a meeting at the Astor to-day. A resolution was unanimously passed petitioning Congress to delay the passage of the proposed new copyright bill (H. R. 12549). We consider that portions of the bill concerning our business are apt to be destructive so far as we are concerned.

This is signed by every producer of high-class drama in New York City.



Now, the proponents of the bill before us will explain to you that since that time another telegram has been sent to the Speaker and to the chairman of the committee saying "We are in favor of this bill."

Let me explain further, when these lobbyists who are in the House gallery saw they could not get this bill by this House, they called a meeting with these same producers there in New York, after they began to stumble along trying to get up this bill for consideration, and they entered into a written agreement with those producers saying "We will extend your period under the basic agreement for five years if you will send this telegram to Congress, saying you want the legislation."

That is the way the peoples' rights are being disregarded. That is why you got that telegram. That is why they are sitting in the galleries because they are self-lobbyists, willing to barter the rights of the people for the benefit of their own pocketbooks. I will prove that they have organized blackmail in this country in which they have taken millions of dollars from the small drug store, hotel, barber shop, restaurant, and other like business places.

You go into any hotel or drug store in a town in your district, in a hotel where there is a central radio receiving set. This Composers, Authors and Publishers League of America has already sent men around snooping about to see if any of the copyright music of its members is being received over the radio. You know that is true.

Mr. NELSON of Missouri. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. NELSON of Missouri. Mr. Chairman, I wish to say to the gentleman from Mississippi that I can confirm what he has said as to the "strong-arm" system by which individuals have been forced to pay large sums of money to representatives of the society under discussion. I have in my possession a canceled check for \$196.26, representing payment made by a recreation parlor, or pool and billiard hall, in my home city.

Then there is the case of a barber-shop proprietor, who had installed a receiving set in his shop for the sole purpose of getting results on football and baseball games in which a university town, such as ours, is interested. He let some copyrighted music come in, for, as he writes, "It is impossible to tune a receiving set without running into stations which are broadcasting music." The result was a visit from the society's representative and payment of the amount demanded, this rather than a lawsuit prosecuted by a powerful concern backed by ample funds. And I would have you know of the case of Stephens College, one of America's foremost colleges for young women, and which operates broadcasting station KFRU, Columbia, Mo. The circumstances, as related to me by the station director, were that upon one occasion the college, in broadcasting a program from the Missouri theater, in the same city, played three numbers which belonged to the American Society, and to use the director's own words, "They fined us \$250. They said they would bring suit if we did not pay." What do you think of such proceedings? And listen to this: The barber who wrote me asked that his name be not used for fear that if Mr. O'Sullivan, high-powered collector, should find out and, I quote, "he might make it pretty hard for me."

Mr. BUSBY. I want to say that that is nothing more than simple blackmail. Why? Because there was a suit brought against the Lafayette Hotel in Kansas City, Kans., styled Gene Buck, president of the American Society of Composers, Authors, and Publishers against Jewell La Salle Realty Co., decided April 18, 1929, where they wanted pay to refrain from bringing a lawsuit against the Lafayette Hotel and the real-estate people. The Federal court in deciding the case, said, "You have no right to bring the suit." I hold that opinion in my hand and you can refer to it on page 11695 of the CONGRESSIONAL RECORD of June 25. The barber shops and the hotels have simply been the subject of blackmail by this Composers, Authors, and Publishers' League, nothing more and nothing less.

And yet this bill will write into the law the provision that will give them the right to go beyond and establish the right to claim what the court said they had not a right to claim.

They say, Give us the right to our own property. I am for giving every man the right to his own property. It used to be said that a man owned everything about his land from the center of the earth to the skies. This monopoly is claiming the air within your walls and business establishments; they come within these walls and ask to compel you to pay tribute to them under laws passed by this Congress.

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. LANKFORD of Virginia. Does not the man who sends it out over the radio pay a tribute?

Mr. BUSBY. Yes; they have paid already millions of dollars. Look on page 11695 of the RECORD of last week and you will find where they brought a test suit into court.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. OLIVER of Alabama. Is that the case the gentleman put in the RECORD?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. The reasoning of the court in that case is sound. If this bill passes hereafter this monopoly can collect for the very thing that the court with strong reasoning said that they did not have a right to collect for now.

Mr. BUSBY. Yes; section g, page 4, of the bill gives them the right to do those things on which the court has turned them down.

Now, you ask what I have against the bill. I object to the provision for the automatic copyright. There is a simple procedure in which we can obtain a copyright now. We simply file two copies at the Library and take the copyright.

Oh, but they say we ought to have an automatic copyright, so that a man in Italy or over in France or some other country who writes a piece without any formality copyrights it at the same time in America because we have joined the Berne convention.

It may never reach America. He has a copyright in America and can proceed for infringement against every American citizen under the protection that we have given him by passing this blanket law; to say that the Congress is not proposing to control our copyright situation in the future, but it is to be left solely to the Berne convention, which will meet in Berne, Switzerland, and write its proceedings in French and French only, and we will be subjected to their management. I am against that kind of a situation.

Mr. BRIGGS. How do they receive any notice of how anybody else has a copyright, or whether such an article has ever been created? How does anybody know about it unless you have registration?

Mr. BUSBY. I do not know. The chairman of the committee said that it moved smoothly in all of these countries, and he put us in a class with Siam and China and Russia. The hearings disclose that publications are held up for months in the countries which belong to the Berne convention; that it does not move smoothly in those countries and that it is a fruitful source of lawsuits as to who did write a story, because it is a matter of oral proof. You have not the simple record that is required in the Library of Congress under the law we now have to determine what a man's claims are and what his copyright covers.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CULKIN. Would a person operating a receiving set in his own home, receiving copyrighted music over it, be subject to action or to this penalty provision for doing that sort of thing?

Mr. BUSBY. They would say that it is not performed in public for profit. I am not sure how far this bill goes in that regard.

Mr. CULKIN. What is the language of the bill with reference to it? Does it say "operating for profit"?

Mr. LANHAM. I would say that it does not cost the man a cent. He would not have to pay in a hotel or anywhere else unless there was a court decision which said that it is a public performance for profit and so ruled judicially.

Mr. CULKIN. Does the gentleman from Mississippi agree with his colleague?

Mr. BUSBY. I am not prepared to dispute it. I am not on that committee. I became so opposed to the principles in this bill when I was on the committee that I determined to devote my time to protecting the American people to the last ditch against those who are trying to put this thing over on the consumer.

Mr. CULKIN. Does not the gentleman believe that these producers of music and of books are entitled to profit from the product of their own genius within reasonable limits?

Mr. BUSBY. They are, and I think we have given it to them, and they have it as a common-law matter until it is published, and they have it by statute after it is published, in every shape, form, and fashion. The only right that one can claim is under a provision of the Constitution which provides that Congress shall have the power to promote the progress of science and the useful arts by securing for a limited time copyrights and patents to people. The purpose of this section of the Constitution was not to single out a benefactor of mankind and say to him, "You can commercialize your advancement, but nobody else can."



It was to promote the progress of science. Now they come in with a provision to which I am strongly opposed—to make the copyright exist for 50 years after the death of the author. What is the effect of that? Some publishing house buys that copyright, or buys a song out-and-out—and let me show you how that works: You will all remember the song called "Girl of My Dreams." It was composed in Tennessee. The song was sold to an independent publishing house for \$25, and, under the provision of a 2-cent royalty on Victrola records, the Victor people told me that they had paid the publishing house \$35,000; but the man who composed the song Girl of My Dreams got \$25 for it, and that is all he will ever get. There is another piece I have in mind—Dardanella. The Victor people told me that they had paid in royalties of 2 cents per record more than \$125,000 to the publishing house that bought that from the author for \$25. Who is being benefited by this? It is the organizations that have combined themselves together, composed principally of publishing houses and manipulators of authors.

Let me devote a little of my time to them. The Composers, Authors, and Publishers League of America is what? It is an organization in which people have bound themselves together under the management of music publishers, principally, and the preamble to their articles of association are—setting forth the purpose for which they are organizing:

To promote reforms in the law respecting literary property.

To promote uniformity and certainty in the law with respect to literary property in all countries.

To facilitate the administration of copyright laws for the protection of the composers, authors, and publishers of musical works.

To grant licenses and collect royalties—

And so forth.

In other words, they are a lobbying organization that is headed by the gentleman I pointed to who is receiving \$100,000 salary out of his own organization and out of the royalties that he places and collects. This is no little thing. You do not know much about copyright law unless you have spent weeks studying it. I maintain in behalf of the American people that you have no right to vote away the substantial law we now have, which has been in existence, part of it, for 100 years, and which has been construed by the courts of the land. Substantive rights have been established on the basis of those constructions, and yet we are asked to sweep them all aside. Why? Because selfish interests and selfish interests only have come to us and asked us to do this. What other organizations besides the Composers, Authors, and Publishers' League of America are there? There is the Authors' League of America. The Authors' League of America is composed of four different administrative guilds, and those guilds are the Authors' Guild, the Dramatic Guild, the Illustrators' Guild, and Screen Guild, and each one of these is a monopoly, organized in spite of the Sherman antitrust law and protected by a monopoly copyright law.

You say, "Why do not you prosecute them under the Sherman antitrust law?" I will tell you. The court has passed on the question, and the court has said that they are not engaged in the production of an article that is transported in interstate commerce, and, therefore, the Sherman antitrust law does not apply to them.

The Attorney General makes this recommendation, that this provision be enacted into law if Congress repeals the compulsory license feature and the limitation of 2 cents on each phonograph record or music roll. The Attorney General asks that this be incorporated:

It shall be unlawful for any copyright owner to contract, combine, or conspire with any other copyright owner or owners, either directly or through any agent or agents, to fix a price or royalty rate for the use of any copyrighted work upon parts of instruments serving to reproduce the same mechanically, and any such act shall be a complete defense to any suit, action, or proceeding for any infringement of any copyright of such copyright owner.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield there?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. Who is it that makes that suggestion?

Mr. BUSBY. This is the Department of Justice under date of August 6, 1926.

Mr. OLIVER of Alabama. Has it been incorporated in the pending legislation?

Mr. BUSBY. No. Nothing has been incorporated in the present legislation to protect the public from this monopoly that I have pointed out to you.

Now, I want to call attention to one thing: This bill and the present law would make possible this system of blackmail and

has permitted this system of blackmail to be carried out, where an individual performs a piece of copyright music for ever so short a time—as in the case of Whitmark v. Passtime Amusement Co. (298 Fed. 470), 27 seconds by actual count. In the Whitmark case they did not recover their actual damages, for the 27 seconds of infringement, but an amount not less than \$250 for statutory damages and also attorney fees and all the costs incident to an equity suit or a suit before a master in chancery. All that is charged up against the individual if recovery is had, no matter how little the actual damage was to the copyright owner, or how little profit it was to the man who performed the music.

Mr. LAGUARDIA. Is not that the law to-day?

Mr. BUSBY. Yes; that is the law to-day.

Mr. LAGUARDIA. Is there not a notice attached to every phonograph record that it shall not be performed in public?

Mr. BUSBY. That being the case, these people have gone out here and organized this Society of Producers, Authors, and Publishers into a blackmail club, to go about in your district and mine and mulct the barber shop and the drug store and the hotel; I am objecting to that provision in the present law. It ought to be repealed. In a matter of civil damages all that you get in an ordinary civil suit is the amount of actual damage suffered by the complainant. A man could only be required to pay the damage actually done, and a man subject to a suit for damages should not be told, "You had better come across and settle up with us," as is the practice in many instances now under the methods of the organization I mentioned.

In order to cover that same thought, I will read from the hearings before the Committee on Rules last year:

I now want to show you the arbitrary manner in which the public-performance rights are charged for the copyright owners. Here is a letter from the New England Steamship Co., signed by F. J. Wall, the vice president of the company, dated August 2, 1928, and it says:

"For the past several years we have been under contract with the American Society of Composers, Authors, and Publishers, 811 Tremont Building, Boston, Mass."

That is their agent in Boston—

"under which we were obliged to pay the sum of \$100 a year covering the playing of the society's copyrighted music on the various passenger steamers of this company."

"We have been advised under date of July 21 that the contract for the current period was terminated, effective July 29, 1928, and that a new contract is issued upon somewhat different terms, so that the amount has been increased to \$200 for one year."

Note the arbitrary manner in which this comes about. The letter continues:

"The thought has occurred to me as to whether we should enter into the new arrangement, in view of the fact that we now furnish music with your equipment instead of orchestras as heretofore."

"Will you be kind enough to place this matter before your legal department and favor us with the benefit of their opinion as to what action we should take?"

Now, to show you how it hurts the little business man as well as the big, here is a letter from the Marquette Pharmacy in Drumright, Okla., which says:

"The American Society of Composers, Authors, and Publishers are becoming active in Missouri and Oklahoma, and are making drug stores and restaurants pay for the playing of music in their places of business, regardless of the kind of music that it is."

"Their representatives went into a drug store in Macon, Mo., in March and found a phonograph playing Blue Heaven and Is She My Girl Friend. Two days later the druggist received notice that if the matter was not adjusted before April 5 that suit would be entered, and before the druggist's attorney could determine his rights the suits were entered, and it cost this druggist \$300 fine, \$150 for a 3 years' license, and also all of the court's costs."

Here is how it affects business. The letter continues:

"They are now demanding that I pay \$15 a year to operate a radio-receiving set in my store, when the set does not even belong to me, but is the property of my prescription clerk, and is operated by him for his own amusement; also they are demanding \$30 a year license fee from the owner of a restaurant in Drumright to operate a Victrola in his place of business. He is paying out a \$1,500 investment, and he says that he will let this machine go back before he will pay the license, as he can not afford it; and also if a person would pay it the first year it is more than likely that it would be more the second year, and it would keep on getting larger every year, until it would become prohibitive."

"I do not see how the owner of a business would be interested in the purchase of a music-making device when he is faced with the possibility of having to pay an uncertain amount of tax in addition to the buying of records or rolls or tubes and batteries, as the case may be."

"It seems to me that the society should be satisfied with the fee that the record manufacturers pay them, and in case they can collect from



a radio receiving set they would be getting a fee from three different sources, if the station was broadcasting mechanical music, as the record maker pays them, the radio station pays them, and the owner of the receiving set would pay them, if he happened to have the set in his place of business.

"If the lawyers who represent this society in Oklahoma are trying to collect a tax where they are not entitled to, I would like very much to know it, also I would like your views on the matter."

Here is a letter from the Hollister Drug Co., in Hollister, Mo. It says:

"Inclosed find the case filed against me for playing Victor records on my Victrola in my drug store. These records were played for amusement and also to demonstrate records for sale.

"This case has been bluffed, and I have taken out my Victrola and discontinued the sale of your records."

In other words, if you buy a machine and you are selling records and you put them on for a demonstration for persons who might want to buy records, then it is a public performance for profit, and you have to pay for it. I have known of cases where that has been done, and I can produce those cases in any quantity, if the committee should desire to hear them.

For instance, here is the case of the Green Top Restaurant, in Hiawatha, Kans., which shows that situation.

This letter says:

"I have been requested by the American Society of Composers, Authors, and Publishers to pay a license to operate a Victrola in my café or take the same out. I looked up the law on same and it looks like they hold the whip hand when it comes to a show-down. There are five cafés in this town and we all have Victrolas. I don't know how many records the others buy, but up to a few months ago I had averaged seven new records a month. I can not conceive the idea of how this is helping you to sell records all over the country, as most cafés are not going to pay from \$35 to \$75 a year to play Victrolas and 75 cents for new records. It is not right; so I am asking you to look into the matter and advise me whether or not I must pay a license or remove my Victrola from my café."

Yet that is in the law, which I am in favor of repealing, in favor of decency. The copyright law was framed for the benefit of the public, and not as a cudgel to drive the public into a situation like this in order to extort from the public unconscionable amounts.

I challenge anyone to deny that such is the situation. You know the public is being ridden by this crowd of blackmailers, and they ought to be put out of business. If you do not know that you are voting for something that is not in the interest of the public, let me appeal to you to repeal this legislation.

Mr. CLAGUE. Who is demanding this legislation?

Mr. BUSBY. The same ones who are sitting to your right in the gallery, composers, authors, and publishers' monopoly; authors of American monopoly, which includes these four subsidiaries I have mentioned already. The publishers had much to say. They are the ones who appeared. Of course, the little man down in Missouri with the 1-horse drug store or the little operator with the barber shop and all of that crowd is appearing only through you—Members of Congress. That is the only way they can appear. They have no organizations with presidents receiving \$100,000 and secretaries \$15,000 salaries. They come here and holler for more.

Mr. GREEN. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. GREEN. Is not much of the pressure coming from foreign places?

Mr. BUSBY. That is true. It is the international link of these people who want the advantage.

I want to say to you that the American Bar Association is decidedly against this bill, and they have voted on it. On page 251 of the present hearings they say as follows:

On this particular bill I felt so strongly its unsoundness as a matter of public policy that I was constrained to oppose its approval by the American Bar Association in open meeting, with the result that after the report of the patent section and my opposition to the confirmation of the report were heard the American Bar Association in open meeting, by a decided majority vote, refused to approve that bill. This was both unusual and significant, in that the committee had reported in favor of it.

This is signed by O. B. Barrett.

Mr. LANHAM. Does the gentleman contend that was with reference to this copyright bill?

Mr. BUSBY. Well, it is in the hearings. You gentlemen conducted the hearings.

Mr. LANHAM. It is simply the dissenting word with reference to patents of some man trying to sustain some point.

Mr. BUSBY. No. He said, "I note the copyright bill is to be heard before your committee to-day." It is in reference to

the one here. The date is April 4, 1930, pages 251 and 252 of the hearings on this bill.

Not only that but the State Department argued with this same committee on the international provisions of this bill and said:

You will involve us under the clause that is contained in most treaties, the favored-nation clause—

And they finally rewrote section 30 and said:

On the other hand, if the committee after due consideration feels that this bill must contain something analogous to the provisions in section 30, we propose this.

Now, there is the Attorney General's office, the American Bar Association, and the State Department, which has written a long letter and has argued with this committee and proposes an amendment. Is that not enough to appeal to you that I am not standing alone against this bill?

I do not believe that the American writing public or the American tin-can music organization has ever suffered because of lack of proper copyright protection. I think the people have suffered much at their hands. There is little real music being written in this time and day. It is simply an excuse for collecting tribute from the people here and there, even on their own premises and in their own homes and within the walls of their own business.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. STRONG of Kansas. It has been said that a boarding-house keeper with perhaps one boarder would have to pay tribute if they used a piece of this music.

Mr. BUSBY. Absolutely, and I ask either one of the gentlemen to deny it.

Mr. LANHAM. I deny it.

Mr. VESTAL. I deny it.

Mr. BUSBY. No. It is public business and it is being used in connection with public business.

Mr. LANHAM. A boarding-house keeper using these records would not have to pay one single solitary cent. A public performance for profit is the only instance in which they are required to pay.

Mr. BUSBY. Well, a boarding house is a public place, and it is used to get people to come in there. The Supreme Court of the United States has decided that point, in spite of the gentleman's statement.

Mr. LANHAM. Will the gentleman state the name of some boarding house that has been compelled to pay?

Mr. BUSBY. Well, it is a question of principle. It is not a question of the Jones boarding house or some other boarding house.

Mr. STRONG of Kansas. I would like to state a case which I think is worse than that. The Odd Fellows' lodge in my district, in order to raise some money to take care of one of its unfortunate members, gave a little dance. They had their own members play some old-time music. They received a demand to pay \$25 or be prosecuted.

Mr. LANHAM. May I say to the gentleman that they are specifically exempted under this bill. Under the present law they would have to pay for using copyrighted music.

Mr. BUSBY. That is not the case under the present law, and it is not the case under this law.

Mr. LANHAM. Not for charitable purposes. They do not have to pay if it is for charitable purposes.

Mr. BUSBY. This is an entirely vicious bill for selfish interests, I repeat, and if it were not for those selfish interests, you would not see that bunch of bouquets in the gallery looking down here expecting to collect when you relinquish the rights of the people to them to be taken to Berne, Switzerland, to be administered in a foreign language. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUSBY. Will the gentleman yield me 10 additional minutes? I do not know of anybody who is opposed to this bill except myself.

Mr. VESTAL. I yield the gentleman 10 additional minutes.

Mr. SLOAN. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. SLOAN. What other nations are there which have extended the life of the copyright 50 years or more, as provided in this bill, after the death of the author?

Mr. BUSBY. Well, I think all of the nations that are laying their ground to let the Berne convention keep their copyright situation instead of keeping it within the confines of their own legislative councils have acceded to the proposition.



Mr. SLOAN. I mean on their own legislative action rather than on this international agreement to which the gentleman refers.

Mr. BUSBY. They do that, and, we having entered an international agreement, the international body manages those affairs under rather general and loosely drawn legislative provisions such as we have here.

Mr. SLOAN. Do they try to make it eternal?

Mr. BUSBY. So far as we are concerned, 50 years after the death of the author. It will not make much difference to us, and I do not think the public will get much after that time.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. WILLIAM E. HULL. I do not know that I understand this. As I understand, a hotel has to pay tribute?

Mr. BUSBY. Yes.

Mr. WILLIAM E. HULL. To whom does that money go?

Mr. BUSBY. That goes to the Composers, Authors and Publishers League of America to pay the salaries of these folks who are lobbying for this legislation, and I ask anybody to deny that if it is not true.

Mr. WILLIAM E. HULL. One other question. Do not the radio corporations pay for these copyrights themselves, in the first place?

Mr. BUSBY. Yes.

Mr. WILLIAM E. HULL. Then after that is done, do they get a second revenue from the hotel? In other words, do they get revenue from the radio people first and then another contribution from the hotel or a similar organization?

Mr. BUSBY. They will, if this bill passes.

Mr. WILLIAM E. HULL. That is what I have in mind.

Mr. BUSBY. But unless this bill is passed they will not, because the courts have held against them on that point, saying that a hotel is not performing, but is receiving.

Mr. WILLIAM E. HULL. I think the bill ought to be amended so they will receive only one compensation.

Mr. BUSBY. They state in the hearings that they received more than \$1,000,000 last year from the radios contributing to them, by reason of the fact that the radio broadcasting stations used their music. That is the testimony in the hearings.

Mr. PALMER. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. PALMER. As I understand this bill, if I had a radio and let some organization use my radio for public entertainment for educational purposes, if they charged an admission fee of 10 cents or 20 cents and put some piece of music on, they could make them pay for that?

Mr. BUSBY. If it was a public performance where you were charging an admission, under this bill, the one that is performing over the radio or receiving over the radio would be liable. Under the present law he would not be liable.

I want to call your attention to a peculiar situation. One Mr. Payne, in 1926, appeared before the Committee on Patents. At that time he was in the employment of the Victor Talking Machine people, before they were bought out by the radio interests. He opposed very vigorously the adoption of this bill, and on page 445 of the hearings he said:

I tell you that when the American people begin to recognize to what extent a monopoly means in matters of copyright, they are going to rise up all over this country.

This is in relation to the divisible copyright feature that they are so strong for.

This same witness, Mr. Payne, also said, at page 215 of the second set of hearings:

Mr. Solberg is correct in stating that the United States would not get into the union if we required formalities, and it is for that reason, and that reason alone, that we say that the United States should not go into the union because we should not give up those formalities. They are vastly more important to us than entering the union.

He states that the reason is because when you copyright and file your book or your writing with the Library, the outside public knows exactly what is being claimed; but when you write a thing and put it back in your closet, the public does not see it and yet it is copyrighted just as it would be at the present time and nobody can know what to depend on.

This same Mr. Payne appears this year in the employment of the gentleman who sits in the gallery, Mr. Gene Buck, and on page 42 of the hearings he deplores the fact that Mr. Buck is in California and can not appear in favor of the bill, and he makes this statement:

I simply wish to say for Mr. Buck that he will regret very much his inability to personally be here, but he had to go to California. He wishes to represent the Dramatists League and members of the copyright committee of that great organization.

This witness has changed employment since 1926 because the Victor people sold out. He has gone over to the other side and is taking his song over to the other side. This is the kind of proof here. They are asking you to relinquish the rights that are vested in millions of dollars of American interests that were established on the basis of our present law and the construction of that law by the courts with respect to the rights of the people.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. As I understand, this trust which the gentleman has referred to bought their music at a very low price from the original authors?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. And if we pass this bill in the form in which it is offered, it would lend great value to that which they bought at a very low figure and give no protection to the original author.

Mr. BUSBY. That is true.

I wish I had time to discuss both of these features.

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. LANKFORD of Virginia. The gentleman has studied this bill very carefully and most of us have not. Would the gentleman refer to the language in the bill that gives them the right to collect from the receiver after the broadcaster has paid the fees?

Mr. BUSBY. I think it is paragraph (g), on page 4 of the bill, if the gentleman will let me guess at it.

I have in my hands the articles of agreement of the Composers, Authors, and Publishers' League of America, and it absolutely squeezes out the little fellow and places the management of the whole concern in the hands of a few of the big boys; and you know they will not elect a man a member of this organization outright. They elect him a tentative member for a year, and he does not get anything or have any standing, but he agrees to turn everything he produces and all that he acquires over to this organization. Of course, they say to him, "If we turn you out at the end of the year and do not let you in at all, then you get back what you brought to us."

I wish I had time to read this, but it is a document comprising 50 pages.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. STRONG of Kansas. The gentleman from Texas said that the bill exempted entertainment by churches and fraternal organizations. I would like to read the provision in the bill:

*Provided, however,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

What good would it do to hold an entertainment for charitable purposes unless you collected a fee at the door?

Mr. LANHAM. If the fees were devoted to charity there would be no charge.

Mr. BUSBY. This is a vicious bill and if you are not certain about what you are to do we ought to strike out the enacting clause and get time to study it before you barter away the rights of the people throughout the country.

Now, in closing, I want to say this. There is not a district in the United States where this organization is not sending snoopers into the drug stores and barber shops and hotels making demand for tribute to be paid the Composers, Authors, and Publishers League.

Gentlemen say it does not affect us? It does, it affects every American citizen. If you are not in favor of their doing these unfair things to an accelerated degree you will vote to strike out all after the enacting clause and let it go back, and let us see what kind of influence is back of this bill which is causing the bill to come before us in this form. [Applause.]

Mr. VESTAL. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, the opposition to this bill, as I gather from the argument of the gentleman from Mississippi, is really directed against the existing copyright law and the fundamental principles of copyright. Before copyrights were established in this country, in England, and other countries, the author had no protection and anyone could make a copy of his work and use it.

When the idea was evolved to protect authors the only way that was found to protect them was to give the author a monopoly on what? To make a copy of his own works. For instance, the writer could write a poem or piece of music, and as long as he never made a copy of it he could sing his song but



no one could use it because he had an absolute right to it, but if he made a copy, then it became everybody's property until the enactment of the copyright law.

Now, having received from the Government the sole right to make a copy he has the absolute right to dispose of his work. This bill simply extends this right to meet modern means of reproduction, transmission, and use of copyright works.

So, when my friend points out the barber shop who has a phonographic record that he has bought with a notice printed on the record that he purchased only a limited license to use it for private purposes, but not for public use, of course, he can not complain if he is prevented from using it. If an author walks into a barber shop and pays for a shave he can not walk out with the towels and the razors. [Laughter.] The same law applies to charitable performances. If lemonade is sold you can not compel the dealer to give the lemons for nothing.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. STRONG of Kansas. Under this bill, if I go to an opera and walk out on the street and whistle one of the tunes, will I be compelled to pay?

Mr. LA GUARDIA. Yes; one may whistle to his heart's content, but I do not think if the gentleman went to an opera he could whistle one of the tunes. [Laughter.]

Mr. BUSBY. Will the gentleman yield?

Mr. LA GUARDIA. I will.

Mr. BUSBY. The gentleman said that I was inaccurate. I said that if a man received music in his own place, from his own radio, from his own ether or air, he is not liable to pay, but when this becomes a law he will be chargeable.

Mr. LA GUARDIA. If he runs a public business and uses copyright works for profit, absolutely, because when the author permits the use for broadcasting purposes he does so for certain limited purposes.

Mr. BUSBY. But these fellows do not own the air, the ether, and their transmitting qualities. And there is where the gentleman makes a mistake.

Mr. LA GUARDIA. Oh, no; I do not say that they own it.

Mr. CHAIRMAN. I have something I would like to say to the committee, and I ask unanimous consent to proceed for the remainder of my time out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for the remainder of his time out of order. Is there objection?

There was no objection.

Mr. LA GUARDIA. Mr. Chairman, we read in the press this morning a most startling statement attributed to the President of the United States. If I remember correctly what I read, even the fiction of the official spokesman was eliminated. The President of the United States is alleged to have said that whether or not Congress appropriated \$250,000 for his Crime Commission he considered the work was so important that he would find ways and means to finance it out of private sources. I do not believe that the President made that statement. At least, I hope he did not. If he did, then he knows more about engineering than he knows about the law of the land, and I would most respectfully suggest to President Hoover that before he makes any statement of any plan about asking for private funds to finance a public commission he familiarize himself with section 3679 of the Revised Statutes of the United States, which he will find on page 1019, section 665, of the United States Code of Laws, which is very specific and necessary law in a democracy:

No executive department or other Government establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations, unless such contract or obligation is authorized by law.

Now, gentlemen, get this:

Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law.

And this is the only exception:

Except in cases of sudden emergency involving the loss of human life or the destruction of property.

Then it provides as to appropriation bills, and let me read this ending:

Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than \$100 or imprisonment by not less than one month.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LA GUARDIA. Let me have two minutes more.

Mr. VESTAL. I yield the gentleman one minute more.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. RAMSEYER. But these commissioners are not officers of the Government.

Mr. LA GUARDIA. The gentleman from Iowa [Mr. RAMSEYER] raises the question that the commissioners are not officers of the Government; but the President of the United States is, and if those commissioners operate under any appropriation of Congress, whether it is \$1 or \$50,000, they can not spend in excess of that appropriation and can not supplement the appropriation with private funds from private sources. The law is clear.

Mr. RAMSEYER. Under the Senate amendment they are limited to prohibition and they can, with private funds, make investigations along other lines, if not as members of the crime commission, then certainly as individuals.

Mr. LA GUARDIA. Let me answer that.

Mr. RAMSEYER. The gentleman misconstrues the law.

Mr. LA GUARDIA. I am not misconstruing the law. They could not do it any more than the Department of Agriculture could receive donations from the packers to conduct some private investigation, or bankers donate to a fund to have bank examiners conduct some related investigation.

Mr. RAMSEYER. There is nothing parallel in that at all.

Mr. LA GUARDIA. It is absolutely the same.

Mr. RAMSEYER. That interpretation is perfectly ridiculous.

Mr. LA GUARDIA. It is not ridiculous. The gentleman can read the law.

Mr. RAMSEYER. I have read the law.

Mr. LA GUARDIA. The gentleman can not get out of it by saying that it is ridiculous. That does not change the law.

Mr. RAMSEYER. I mean to say the gentleman's interpretation of the law is ridiculous.

Mr. LA GUARDIA. It is not. The gentleman is making himself ridiculous. The gentleman's attitude is ridiculous.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VESTAL. Mr. Chairman, I will take five minutes of my own time.

Mr. Chairman, ladies and gentlemen of the committee, I shall take only a moment or two to answer the gentleman from Mississippi [Mr. BUSBY], who has made inaccurate statements from beginning to end as to what the bill will do, and the purport of the bill. I also want to say something concerning the people who are supporting this measure. The gentleman has tried to make this committee believe that the only people who are supporting this measure are the gangsters and crooks of this country. I want to put Will Irwin, one of the greatest writers of the country, up against the gentleman from Mississippi, who has been making this speech.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. I shall not yield.

Mr. BUSBY. I did not get excited in that way.

Mr. VESTAL. I am not excited. The gentleman need not worry about that; and then there is this other gentleman whom he calls a crook, Gene Buck, who stands as well as any man in the United States of American, and I want to put him up against the gentleman from Mississippi.

Mr. BUSBY. Mr. Chairman, the gentleman should confine his remarks to the parliamentary situation. He is not going to put anybody up against me. He is here himself, and he can get up against me any time that he is ready.

Mr. VESTAL. And I want to put up Augustus Thomas.

Mr. BUSBY. The gentleman can not put anybody up against me. I make the point of order that the gentleman is out of order in his unparliamentary tactics and remarks.

The CHAIRMAN. The gentleman from Indiana will proceed in order.

Mr. VESTAL. If the Chair says that I am out of order—

Mr. BUSBY. Surely the gentleman is, if he knows the rules.

Mr. VESTAL. I refer to such men as Augustus Thomas, Mark Sullivan, and to Mary Roberts Rhinehart, and to all the newspapers of the country, and all the magazine publishers, and all the book publishers, and all of the musicians of the country. They are standing for this bill and have come before the Committee on Patents for the last six years.

Mr. O'CONNELL. And they are not gangsters.

Mr. BUSBY. I never said they were.

Mr. VESTAL. And I want to say further, the gentleman arrogates to himself all of the knowledge of the copyright law. I am willing to have the gentlemen on his side of the House take the advice of the gentleman from Texas [Mr. LANHAM], who has been on this committee and who has studied this bill for the last six years, and let them hear what he says it means.



It does not mean the thing that the gentleman from Mississippi says it means. Mr. PRALL was on the committee. Take the authors of this country, the men who create the thing. The music box would not make a nickel of profit if it were not for the music created by these men who produce the music that goes into the box.

These are the men who are drawing the profit in this bill, and we are not hurting the public at all. As to paying for music, the law has not been changed, and I hope it will not be changed; and the only persons who are compelled to pay are those who conduct a public performance for profit. That is the only time they have to pay.

I resent the insinuations made here that the only people who came before this committee are lobbyists and gangsters. It is not true, and the gentleman knows it is not true.

Mr. BUSBY. Nobody said it but you.

Mr. VESTAL. Read your remarks and you will find out.

I say that the Committee on Patents—that men like Judge LETTS, of Iowa, and the gentleman from Texas [Mr. LANHAM], and Mr. PRALL and Mr. GOODWIN and Mr. PATTERSON, of Alabama, have given careful consideration to this bill, some of us for the last six or eight years, and we have worked out a bill here that will protect and save from loss the authors and composers of this country, and it means millions of dollars saved to this country if this bill can be passed. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LANHAM. Mr. Chairman, I yield to myself the remainder of my time.

Mr. HOGG. Mr. Chairman, will the gentleman yield for a short question?

Mr. LANHAM. It is a little early in the proceedings to do that.

Mr. HOGG. I tried to have the chairman yield.

Mr. LANHAM. Mr. Chairman and ladies and gentlemen of the committee, I shall probably anticipate many questions that might be asked me, and therefore I hope I may be permitted to make my statement without interruption until I come to its conclusion. Then I shall be glad to answer any question I can.

We have devoted six years to the study of this measure, and it is difficult enough to discuss it in the short time allotted even without interruption. If I do not anticipate your objections and reply to them, at the conclusion of my remarks I shall endeavor to give any information I can, and also will do so under the 5-minute rule.

Parents have three principal hopes with reference to their children. One is material, that they may be healthy. One is spiritual, that they may have good character. One is cultural, that they may have a good education; and inasmuch as character and education are in some respects synonymous, perhaps, this measure that we have before us to-day deals with both of those great considerations.

This bill is for the protection and for the perpetuation of the best in America in the development of character and in the education of the mind. It seeks to give to American authors a protection commensurate with that enjoyed by others than Americans in their respective countries and throughout the world.

But for books we could not properly educate. But for copyrights there would be no incentive to write books, and we should be left largely to oral traditions, teaching from mouth to ear. We see even in nature both the industrial and the æsthetic sides of life. Along with the ant with his busy work is the bird with its song, and we are coming to-day seeking to protect those things that make us better both in our spirit and in our mental development.

This bill, then, is for the protection of creative genius. Without protection creative genius must languish and die. Goldsmith wrote very properly—

Ill fares the land, to hastening ills a prey,  
Where wealth accumulates and men decay.

And we are seeking now to provide for men by that protection which will safeguard American genius from decay, which will enable us to forge to the front and hold our own with the best literary and artistic and musical productions of the world.

This, then, is a battle of the æsthetic against the material, and it has been that and is that on the floor of the House to-day; it is an attempt to turn somewhat to the æsthetic side without disparagement to the material side. Many people abroad have long made sport of us for an alleged lack of appreciation of the cultural in life. I think they have now less justification than in the days gone by; but perhaps there is still something in the criticism, because we are so engaged in the pursuit of the almighty dollar that we are sometimes prone to overlook those things that build up the true man.

When you look back through the pages of history you delight to speak of the age of Pericles, called the golden age, and to read and admire the many wonderful things that have come down to us in literature, in drama, in sculpture from that distant time, an era when even the Greek artisan was familiar with the classics of which to-day we know so little. We are trying to get away from this former reproach that the Europeans may not justly make sport of us; that we may not be a purely material nation but an æsthetic and cultural nation as well.

Now, without the author, whether he be the author of literature or the author of music or the author of art, all things æsthetic and cultural stop, necessarily. What is the phonograph worth until you make it produce the music of some composer? What is the theater worth, and why should it not remain dark unless you produce therein the work of some dramatic author? So it is, all the way through the ramifications of our cultural life. What would your radio be but for the performance at the other end?

So I say, when we contend that we shall give to the material side, to the manufacturer of the box, or to the one who molds the rubber disk, all the profit that comes from the creator's work, it is robbing Peter to pay Paul when Peter is entitled to a much greater proportion of that profit than he now receives.

So I come to speak in behalf of the creative genius of our country, without which you would have no entertainment, without which you would have no edification.

Now, in the first place, what is the necessity for this law? We are operating under a copyright law enacted in 1909, almost a quarter of a century ago. Conditions now are very different from those in 1909. It requires but a moment of reflection for you to be reminded of the progress that has come along many lines. In 1909 we did not dream of the radio. In 1909 we did not dream of talking motion pictures. In 1909 television would have been scouted as a hoax. And so, by reason of the fact that our present law is obsolete, we must make a law to fit the present conditions. By reason of the fact that it is archaic much of it is now inoperative, because, inasmuch as it does not meet and provide for the changed conditions, trade practices have arisen among various peoples and concerns interested in copyright, and those trade practices are now compelling in their respective lines. This bill is very much of a writing into law what has come to be the accepted trade practices of those who deal with copyright and copyrighted material. There is necessity for the law, then, by reason of the fact that our present law is obsolete and archaic.

What is the purpose of a new law? The purpose is to give to American genius the same protection that is accorded the genius of foreign countries. Why do I say that? Is there any man who will rise on the floor of this House and say that an American author should not have as fair a chance in the markets of the world as the author of any other country? That is a proposition which no one will dispute. How does the American author get protection abroad to-day? He gets it through a kind of fiction that he is a British subject. That is the only way he can get it, and I fear that will not long be extended to him.

Mr. BUSBY. Will the gentleman yield?

Mr. LANHAM. I should like to continue my statement, but will yield for a question.

Mr. BUSBY. Does the gentleman contend that we pretend we are British subjects in order to secure a copyright?

Mr. LANHAM. I will state the conditions and let the gentleman draw his own inferences.

I say it is owing to a kind of fiction that the American is a British subject for this reason: The only way an American author can get protection for his work abroad is to copyright it in England. England being a member of the Berne convention, or the so-called International Copyright Union, the American author is then extended the privilege that comes to a British copyright, giving the British author protection in various countries of the world. Let me say—and I think I say it with some basis of fact—that unless we change this condition the time is not far distant when the American author is going to be denied that privilege and thereby be excluded from the markets of the world. So I repeat that we are trying now to put the American author on a par with the authors of other countries, that he may have the same opportunity and the same field for getting the reward of his labor.

By reason of the fact that this British courtesy may be withdrawn there arises the necessity for speedy action concerning copyrights. Why? Unless we enter the so-called Berne convention by August 1 of next year we can not enter it under the terms of the Berlin convention of 1908. I am going to show you why that is important.

In the first place, what is the Berne convention? That is not the technical name for it, but it is generally known as the



Berne convention. What is it? The Berne convention is an association of the leading countries of the world for the purpose of the protection of artistic and creative works throughout the world. As I recall, it was organized in 1866. Most of the principal nations belong to it, more than 40 of them. The United States, Russia, China, and Siam are the outstanding examples, I think, of the countries which do not belong to it. A country belonging to this convention gets a copyright for its authors, of whatever character, throughout the world. In other words, if we enter the Berne convention, even though the privilege should be withdrawn from us of filing in Great Britain, we shall have the right to copyright throughout the world, just as Great Britain has it, and that protection will come to us.

In 1908 there was the so-called Berlin convention, a part of the Berne convention. That is, it met at Berlin that year. Then in 1928 there was a convention held in Rome, known as the Rome convention. In the first place, in answer to the statement made by the gentleman from Mississippi [Mr. BUSBY], this international union does not seek to tell any country what kind of copyright law it shall have, with the sole exceptions that I shall mention in a moment. We are free to make such copyright laws as we choose. It has nothing to do with us in our legislative capacity or with the statutes which we place upon our books. There is no such purpose. Now, if we enter it under the Berlin convention of 1908, which we may do if we enter by August 1 of next year, then after our entry no proposal can be made to or adopted by that convention which will cause us to lose our world-wide protection even though we may reject the proposal. In other words, we shall get all the benefits of it without acceding to any proposition which may be made, unless we so desire; but not so if we come in under the Rome convention of 1928.

Consequently it is of importance that we pass this legislation in the House in order that in the next session of the Congress it may be considered in the Senate as a predicate upon which the proper relationships may be made through the President of the United States and the Senate for entry into this Berne convention for the protection of our American authors throughout the world. I may say that when you come to quibbling about tweedledee and tweedledum, about a man paying a dime here or a man paying a dime there, it is important to bear in mind that, unless we pass some such legislation as this, we are depriving every author, of every character, in this country of the right to the world markets which is given to the other authors of the world.

Now, what is required to get into the Berne convention? The only requirement for entry into the Berne convention is that there shall be no formalities with reference to securing copyright.

Now, there are only two things that prevent the United States from entering this Berne convention to-day. What are they?

The first one is this: The Berne convention requires automatic copyright. In other words, when you write an article or when you compose a song that is your property, and copyright subsists in it. You know it is yours, and anyone wishing to infringe upon it knows that it does not belong to him. Your copyright is automatic.

Mr. WILLIAM E. HULL. Will the gentleman yield for a question just for information?

Mr. LANHAM. Yes.

Mr. WILLIAM E. HULL. If he writes a song and it is put on a disk, then he gets a royalty—

Mr. LANHAM. I am coming to that a little later.

Mr. WILLIAM E. HULL. Let us understand it now. The gentleman is going into generalities, and we who are not lawyers may not understand it.

Mr. LANHAM. I do not think I am going into generalities at all.

Mr. WILLIAM E. HULL. I would like to get this cleared up. He gets a royalty for his disk, and why is not that sufficient? If I buy that disk and want to play it in my place of business, why should I not have that right without any additional payment?

Mr. LANHAM. I repeat that I am coming to that point in a few moments. I am trying to discuss this measure in an orderly way, and for that reason I made the request at the outset that I might present my statement in a consecutive and intelligible manner.

Now, what are the two conditions that prevent us from entering the Berne convention?

The first is, as I have said, that we must have automatic copyright. We have it now by common law. Anything you write, until it is published, you have a copyright in by common law. We propose to make that statutory and say that anything you write is yours. You do not have to put your name

on your auto to protect yourself from anybody except a thief, and I doubt if you would protect yourself from a thief in that way. When you go out to return to your homes this evening you know which is your car, and when you write an article you know that article is yours and everybody else knows that it does not belong to them. This is all there is to automatic copyright. It simply makes statutory a common-law right that now obtains.

The other thing which prevents our entry into the Berne convention is this: Any European or the national of any foreign country who writes a book abroad and wants to get a copyright of it in the United States has to have it printed in the United States before he can secure a copyright here.

This is quite a formality, because if a man has a book printed in England and then he has to come here and have it printed again in the United States to get a copyright, it is a double expense to him.

This provision was enacted originally to protect American labor, and American labor now comes to us and states that they are willing to forego this formality. I trust that the market that will be made for American books abroad will more than compensate them for what they will lose by foregoing this requirement to print foreign books in the United States.

So we have a provision in this measure, sanctioned by the American Federation of Labor, that obviates the necessity of complying with the present law and printing books in the United States in order to get copyright in the United States, except for citizens of the United States.

These are the two formalities that we seek to amend in this bill, to provide for our entrance into the so-called Berne convention, to give protection to American authors throughout the markets of the world.

As pointed out by the gentleman from Indiana [Mr. VESTAL] a man may now lose his copyright in this country by a mere error in printing in a publishing house. Automatic copyright removes any such hazard as that from the literary world.

Not only does this bill provide for automatic copyright, but for two other principal things, and one is divisible copyright.

For instance, if I write a story, I may sell it to a magazine; that is the serial right. I may sell it to a book-publishing company; that is the book right. I may sell it to a motion-picture company; that is the motion-picture right. I may sell it to a dramatic producer, and, of course, that is the right to present as a drama.

Now, men in America who write to-day have this divisible right through trade practices. A man selling his story to a magazine does not sell his entire right, but sells only the serial right and reserves the others to dispose of, and this is merely writing into law what has become a trade practice in this regard.

The third principal thing provided for by this measure is one to which I have already alluded—entrance into the so-called Berne convention.

Now, there is one provision of law that we have eliminated, and I think properly so. The changes of our commercial structure have been such that we now hear no objection to eliminating this feature. This is the only price-fixing provision that I can recollect anywhere in our statutes. It is in the present law and provides that when a musician or author licenses the use of his works to a mechanical reproduction company he can not receive more than 2 cents per disk.

We have removed that objectionable feature and given to the author exactly the same free right of contract with reference to his work that every other American enjoys.

Mr. BUSBY. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BUSBY. The Attorney General proposes an amendment which prevents any combination in the way of monopoly if we do repeal this section, does he not?

Mr. LANHAM. We have the antitrust statutes, and if they are not sufficient we can make them so. But that is foreign to what we are now dealing with. We are dealing with the copyright law, and I do not want to be diverted.

Mr. BUSBY. I asked the question because the Attorney General proposed it.

Mr. LANHAM. Well, the gentleman has had 40 minutes, and I should really like to proceed.

Mr. BUSBY. I had 40 minutes and the other side had a hundred and twenty, and I do not think I have been hoggyish.

Mr. MAPES. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. MAPES. In the practical operation of the present law under the provision which the gentleman is now discussing the composer or author has a right, has he not, to make whatever terms he can with the original reproducer?



Mr. LANHAM. Not in excess of 2 cents a record. But that is eliminated in this bill.

Mr. MAPES. Does that apply to the original producer?

Mr. LANHAM. That is my understanding.

Mr. MAPES. I am interested in that feature of the bill.

Mr. LANHAM. Well, let us take that up under the 5-minute rule.

Mr. MAPES. The gentleman does not care to go into that now?

Mr. LANHAM. No; I prefer to discuss that under the 5-minute rule.

Now, there is one feature of the bill I have heard objections to, and that is the change in the term of the copyright—making it life plus 50 years, whereas now with the renewal application it is 56 years. This simply puts the American author on a par with the authors of the world. We give him the same opportunity that is given to them. What is the objection made? The objection urged by the gentleman from Mississippi was that the people would object to that, and the people would be bilked of their money, and so forth, and also that the prices would go up enormously.

Now, gentlemen, what I have been trying to impress upon your minds is that the men who manufacture the material and operate the material are the ones who have been getting the lion's share of the profits out of these authors.

To show you how prices are affected by material in the public domain, let me call attention to the fact that there is now running in the city of New York a play written by Aristophanes, who lived 380 years before Christ, and I am advised that the price for a seat at the box office is \$5.50, and \$7 at an agency. If Aristophanes, living in the fourth century before Christ, can furnish a play that will bring \$5.50 per seat without a copyright, when many copyrighted shows in New York are drawing smaller prices, I am inclined to think the 50-year clause will have little effect on what the public will have to pay.

Let me tell you another thing: When an author dies his work may not be immediately popular. Some men may live 50 years before their time of recognition comes. Jane Austin wrote her classics in her teens, but her books were never appreciated in her lifetime. That is true of many authors, but after a while they, too, receive the popularity they deserve. Their works are their property. They have no houses and lands to leave their descendants. Their children have only their copyrights. We contend that they are entitled to get their remuneration from the copyrights just as much as another man's children from his houses and lands. We are equalizing the American author.

A good deal has been said about the theaters. The gentleman from Mississippi [Mr. Busby] read a telegram from producing managers. Here is a telegram from them of later date, acquiescing in this bill. What is the situation with reference to them? Theatrical producers under the present law, and under the law in contemplation, must get their rights by contract. That is the only way they can get them. They have the same right to contract under the pending bill that they have under existing law, but with this advantage.

If I write a play to-day and sell it to a theatrical producer, and he is sued for infringement, and some one is bringing action against him questioning his rights, he has to hunt me, as the owner of the copyright, all over the face of the earth and join me in the suit, because his right is equitable and not legal. Under the terms of this bill, we give this producer a legal right, and he can go into court and enforce his rights, without the necessity of finding the copyright proprietor and joining him in the suit.

Mr. WILLIAM E. HULL. Mr. Chairman, the gentleman has about a minute left. I would like to have him answer the question that I asked him.

Mr. LANHAM. I am coming now to this question of performance for profit. I do not believe there is any gentleman here who sanctions thievery. It might be that he who steals my purse steals trash, but he who steals some literary or musical work of mine might conceivably steal something worth while. Certainly this is true with reference to many other people. What is the purpose of the copyright law? What is the purpose of the provision in the Constitution giving the copyright privilege through laws enacted in pursuance thereof by Congress? It is to give to the author the exclusive right to his work for a definite period of time.

Mr. WILLIAM E. HULL. Let me ask the gentleman a question right there. If he has sold his disks and received an original royalty upon it, what right does he have to charge me for listening to it?

Mr. LANHAM. I am coming to that. He has no right to charge the gentleman for listening to it. You can take it and put it in your home and you can play it as much as you please, and you pay nobody anything, but when you take that man's

copyrighted song and go out into the world and make money out of his property without giving him anything in return, then you are doing something that is not right either in equity or in justice.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

Mr. WILLIAM E. HULL. I am for the bill, and I am trying to get that cleared up.

Mr. LANHAM. I shall try to clear that up under the 5-minute rule.

Mr. BUSBY. Mr. Chairman, I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. The time has been fixed by the rule. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That copyright throughout the United States and its dependencies is hereby secured and granted to authors, subject to the provisions of this act, without compliance with any conditions or formalities whatever, from and after the creation of their work and for the term hereinafter provided, in all their writings, published or unpublished, in any medium or form or by any method through which the thought of the author may be expressed, and such copyright includes the exclusive right—

To copy, print, reprint, publish, produce, reproduce, perform, render, exhibit, or transmit the copyright work in any form by any means, and/or transform the same from any of its various forms into any other form, and to vend or otherwise dispose of such work; and shall further include (but not by way of limitation because of the specific enumeration of the subject matter hereafter stated) the exclusive rights—

(a) To translate said work into other languages or dialects, or to make any other version thereof;

(b) To make any form of record in which the thought of an author may be recorded and from which it may be read, reproduced, performed, exhibited, represented, delivered, transmitted, or communicated;

(c) To dramatize or make a motion picture with or without sound and/or dialogue of said work if it be a nondramatic work; or to convert said work into a nondramatic or dramatic work expressed in words or physical action if it be a dramatic work in the form of a motion picture with or without sound and/or dialogue; or into a novel or nondramatic work, or motion picture with or without sound and/or dialogue, if it be a drama expressed in words or physical action;

(d) In the case of a musical composition, to arrange or adapt said work, to perform said work publicly for profit or to make any arrangement or setting thereof or of the melody thereof in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read, broadcast, produced, performed, exhibited, represented, delivered, transmitted, or communicated: *Provided, however,* That the provisions of this act, so far as they secure copyright controlling the parts of instruments, being the instruments referred to in subsection (e) of section 1 of the act of March 4, 1909, as amended (U. S. C., title 17, sec. 1 (e), serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the musical compositions of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen grants, either by treaty, convention, agreement, or law, to citizens of the United States, similar rights: *And provided further,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used;

(e) To complete, execute, and finish said work.

(f) To deliver or authorize the delivery of said work in public if it be a lecture, sermon, or address prepared for oral delivery.

(g) To communicate said work to the public by radio broadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other methods or means for transmitting or delivering sounds, words, images, or pictures whether now or hereafter existing.

(h) To produce, reproduce, perform, represent, or exhibit said work publicly if it be a dramatic or dramatico-musical work in any manner or by any means or methods whatsoever: *Provided, however,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. VESTAL: Page 2, line 7, after the word "render," strike out the comma and add the word "or," and after the word "exhibit" strike out the comma and the words "or transmit."



The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 17, before the word "represented," strike out the comma and insert the word "or," and after the word "represented" strike out the words "delivered, transmitted, or communicated."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. STAFFORD. Mr. Chairman, I assume that the committee amendment seeks to limit the authority proposed to be conferred under the copyright act?

Mr. VESTAL. It seeks to prevent extending any copyright to radio for reproduction.

Mr. STAFFORD. That brings up the question suggested by the gentleman from Illinois [Mr. WILLIAM E. HULL], and I direct the attention of the gentleman from Illinois to it. That is my purpose in taking the floor. I wish to know fully what the purport of the amendment is. The chairman of the committee says that the pending amendment will seek to prevent a charge being made for reproduction over the radio.

Mr. VESTAL. Unless it is a public performance for profit. We have other amendments that hold it down to the present law.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WILLIAM E. HULL. I am for this bill, but I think this bill ought to be amended so that anyone who buys a disk has a right to do what he pleases with it. I do not believe they have a right to take a royalty three or four times on a song. Take a band, for instance. It plays a song and then you undertake to charge the audience or the people that furnish the band. You have to amend that bill so that you will not include all these things.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. WILLIAM E. HULL. I do not understand this thing. But it looks to me that it is sufficient, the way it is written; it seems to me that when a man who takes the royalty, that is understood, and the man who wants to give an entertainment in his own house should have that right.

Mr. REID of Illinois. I suggest to the gentleman that we pass that amendment, and then in turn we will have another amendment that will take care of that.

Mr. OLIVER of Alabama. If there be good reasons on which to base the objection of the gentleman from Illinois to charging for the use of the disk after the first royalty for its use has been paid, the same reasons should apply with equal force where the initial broadcasting station has paid for the privilege, and distant stations simply tuning to receive should not be charged a further fee.

Mr. WILLIAM E. HULL. That is what I insisted on.

Mr. BUSBY. Mr. Chairman, I offer a preferential motion to strike out the enacting clause.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the enacting clause. The Clerk will report the motion of the gentleman from Mississippi.

The Clerk read as follows:

Mr. BUSBY moves to strike out the enacting clause.

Mr. BUSBY. Mr. Chairman, I realize that, judging by the question raised by the gentleman from Illinois [Mr. WILLIAM E. HULL], it is impossible for us to make a suitable bill out of this. The bill that is being proposed is much worse than the present law, for the simple reason that it takes the limitation off of the copyright holder who receives the extra fee of 2 cents for each part, record, or musical roll, and it also takes away from the public or from anybody who is in that business the right to manufacture records on the same terms as the one who makes a contract with an individual. That is the compulsory contract feature now in the law. This makes it a monopoly. This bill can never be made into a shape where it will be anything but the same unreasonable proposition that is presented in the text as you have it now before you.

Mr. REID of Illinois. Do you not think that the author should have the right to contract for the best reward he can get for his work?

Mr. BUSBY. Yes; but if you put the public in his hands, I think the public ought to be protected. As the Supreme Court says, you give him this advantage with a limitation. He ought either to accept the limitation or else be deprived of his monopoly advantage. I hope the controversy over which is the best type of legislation will end. I pointed out at the beginning, without the least intention of offending anybody, that we recognize that books are the legacies of master minds from the ages handed down to us through time. We would be in a poor situation without books, and we would be in a poor situation without music. But the book and music publishers would be in a poor situation also without the public to deal with. There are two sides to the question. I am in favor of protecting the public from these monopolistic organizations that are outside the scope of the antitrust law. We should place the public on an equal footing with them.

Mr. Chairman, I make the motion to strike out the enacting clause, and I hope that motion will prevail. [Applause.]

Mr. LANHAM. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. LANHAM. Mr. Chairman, in view of the statements which have been made to the effect that the Committee on Patents for six years has been working very diligently on this measure day and night and have brought it out sponsored by the various individuals and the various American organizations indicated in the report, in view of the fact that this measure comes from the committee with practical unanimity, that it has resulted from careful study and the harmonizing of many divergent interests, and in view of the fact that it must be passed now to protect properly American authors of every character, in art and music and literature, it seems strange to me that the gentleman from Mississippi [Mr. BUSBY], in the face of all the intelligent inquiry and the study and labor that have been expended on this subject in order to give America its proper place in the world of copyright, should make a motion to strike out the enacting clause. If it were not tragic, I should think it comic. It is of prime importance to this country that this bill should be enacted into law. It is not perfect, but the committee has amendments which it desires to offer, which would smooth out many of the rough places in the minds of some of those who have argued against it.

Mr. REID of Illinois. Have you not had eight years to smooth out the ruffles?

Mr. LANHAM. We have had six years.

Mr. REID of Illinois. I thought I was on the committee eight years ago.

Mr. LANHAM. We might have been working on it then.

Mr. REID of Illinois. Ever since that time?

Mr. LANHAM. Yes.

Mr. REID of Illinois. Was it not in evidence before the committee that there was a great deal of objection to and some prejudice which would result by our going into the Berne convention? Was there not one side which held that view?

Mr. LANHAM. Oh, there was. This affects so many people and so many organizations in the United States that the work of getting differences reconciled in order to write a copyright law has been a stupendous work; but now that work has been done.

The CHAIRMAN. All time has expired.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired.

Mr. BUSBY. Mr. Chairman, I ask unanimous consent to withdraw my motion. I would like to have full and free discussion of the entire subject, and I ask unanimous consent to withdraw the motion to strike out the enacting words.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 3, line 7, before the word "represented," strike out the comma and insert the word "or"; and after the word "represented," strike out the words "delivered, transmitted, or communicated."

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.



The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 4, line 5, after the word "work," insert the words "for profit."

Mr. REID of Illinois. Mr. Chairman, I rise in opposition to the amendment. Will the gentleman explain the meaning of that particular amendment, to strike out the words "for profit" after the word "work" on page 4, line 5?

Mr. STAFFORD. If the gentleman will yield, it reads rather awkwardly.

Mr. VESTAL. It comes in connection with an amendment that I shall next offer at the end of the section. I think the two amendments together will get the correct meaning.

Mr. REID of Illinois. Mr. Chairman, I offer an amendment to the amendment, to strike out entire paragraph (g). This is a perfecting amendment.

The CHAIRMAN. The gentleman from Indiana has offered a perfecting amendment.

Mr. REID of Illinois. My amendment is a real perfecting amendment.

Mr. O'CONNELL. That is not a perfecting amendment. That is a destructive amendment.

The CHAIRMAN. The Chair will state that a motion to strike out the paragraph is not a perfecting amendment.

Mr. CHINDBLOM. But, Mr. Chairman, a motion to strike out the section is in order and may be made before the paragraph has been perfected.

Mr. REID of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois, Mr. REID, is recognized for five minutes in opposition to the amendment.

Mr. REID of Illinois. The reason I am not in favor of the amendment or of the paragraph is because you are not only giving the authors control of their own work but you are putting them in the new field of transmitting that work by radio-broadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other method or means for transmitting or delivering sounds. I do not think this was the intention of anyone, and I think this is a very dangerous paragraph to leave in the bill.

The language of the paragraph is:

To communicate said work to the public by radiobroadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other methods or means for transmitting or delivering sounds, words, images, or pictures whether now or hereafter existing.

This is my objection to the amendment and my objection to the paragraph. The gentleman has stricken out the other words in the other line, "delivered, transmitted, or communicated," and this paragraph is with respect to the same substance as the words stricken out in the other part of the bill; and if those words go out, then this language should go out.

Mr. BUSBY. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BUSBY. On page 2, line 7, of the bill we have this provision, "or transmit the copyright work in any form by any means."

Mr. REID of Illinois. The words "or transmit" went out, and the same words were stricken out in line 18, and for that reason I think this section ought to go out also.

Mr. BUSBY. I agree thoroughly with the gentleman that this should go out.

Mr. REID of Illinois. The whole thing should go out; should it not?

Mr. BUSBY. I believe so.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word, and would like to ask a question of the chairman of the committee.

Mr. VESTAL. If the gentleman will permit, I am going to ask permission to read the next amendment which I propose to offer at the end of the section so that the Members may understand just what is proposed.

Mr. STAFFORD. May we have the proposed amendment read for information?

Mr. VESTAL. Yes. Following this paragraph the proposed amendment is, as follows:

*Provided*, This act shall not apply to the rendition of such works by the use of radio receiving sets or other receiving apparatus, unless such rendition is publicly performed for profit, or unless an admission or service fee is charged therefor by the owner or proprietor of such receiving sets or other receiving apparatus.

Mr. REID of Illinois. That has nothing to do with the amendment we are talking about now.

Mr. CHINDBLOM. May I ask the gentleman this question? Does the gentleman believe that the language which he has sub-

mitted, or any other language which he will submit, will prevent, for instance, the collection of a fee from the owner of a cigar store, a drug store, a candy store, or an ice-cream parlor, which has put in a Victrola that is operated, for instance, by means of a coin device? Would the owner or proprietor of such a store or establishment be considered to be operating that machine for profit when, as a matter of fact, no admission fee is charged for entrance into the place. The music is only there for the convenience and the pleasure of the patrons and is operated only when a patron drops a nickel in the slot.

Mr. LANHAM. Does not the gentleman think if it is operated by dropping a coin in a slot and the proprietor collects that nickel, he is clearly doing it for profit?

Mr. CHINDBLOM. He is not doing it for profit. He does not get the nickel.

Mr. LA GUARDIA. Then, whoever gets the nickel will be the one who will have to pay.

Mr. LANHAM. If he does not get the nickel, then it is purely a matter for the courts to decide, under all the facts, as to whether or not it is a public performance.

Mr. CHINDBLOM. It is not for the courts to decide if we can make it clear here. Why should we leave it for the courts to decide? We are legislating. The courts will not decide anything until after we have legislated.

Mr. LANHAM. The gentleman is stating a case where the proprietor is evidently making money when the coins are dropped in the slot.

Mr. CHINDBLOM. I do not think the proprietor makes any money out of it. The instrument is there for the pleasure and convenience of the guests.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. WILLIAM E. HULL. In answer to that statement, I want to say that if you have a nickel slot machine in a place of that kind and half of the nickel goes to the man who owns the box and the other half goes to the man who lets him place the box there, if they have paid originally for that music, why should they pay for it again? That is what I am objecting to.

Mr. CHINDBLOM. Of course, that is my point.

Mr. WILLIAM E. HULL. And I hope this House will not vote in favor of this bill unless that is cleared up and taken out of the bill. [Applause.]

Mr. LANHAM. May I interrupt the gentleman there?

Mr. CHINDBLOM. Yes.

Mr. LANHAM. The gentleman believes that a man who writes a story has the right to sell it to a magazine and also to a book publisher and also to radio performers or to the motion-picture people or to sell it to a dramatic producer, does he not?

Mr. CHINDBLOM. But in this case he has already received pay for the record.

Mr. LANHAM. And the man who writes the story receives pay from each one of the parties to whom he sells it, and why should you deny to the man who writes a song the same rights as to royalty that you give to a man who writes a story?

Mr. CHINDBLOM. I will say to the gentleman that if you want to carry it that far, why do you not charge an admission fee of the man who comes into the drug store or ice-cream parlor because he happens to hear the music?

Mr. LANHAM. He pays an admission fee or a charge for that music when he drops a coin in the slot. In other words, you are wanting the man who operates the slot machine to make a profit out of a song written by another.

Mr. CHINDBLOM. Under that theory, I will say to the gentleman that if there is a lady singing a copyrighted song in the store, which may be of some pleasure and entertainment to the patrons who come in there, you ought to charge a license fee of the singer, and also charge the patrons of the store a fee to enter the store.

Mr. LANHAM. I have made no such contention.

Mr. CHINDBLOM. It is the same thing.

Mr. LANHAM. I have told the gentleman that is all a matter wherein they pay only when it is a public performance for profit, and that is a matter to be settled by the courts.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUSBY. Mr. Chairman, I move to strike out the last word.

Mr. SUMNERS of Texas. Mr. Chairman, I wish to make a request. I rise in opposition to the motion to strike out the last word.

Mr. BUSBY. I will yield if the Chair will recognize me next.



Mr. SUMNERS of Texas. Mr. Chairman, I want some information from the chairman of the committee. At the bottom of page 3 is the proviso:

*And provided further, That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.*

The enumeration of those exceptions, I believe, would be to exclude all others. Suppose a band at a country picnic, where there is no admission fee charged, desires to render some copyrighted music. Does the gentleman have any apprehension that by reason of the enumeration in this proviso that right would be prohibited?

Mr. VESTAL. Not at all.

Mr. SUMNERS of Texas. Would the gentleman give us a reason for that assurance or opinion?

Mr. VESTAL. Because all through the bill and the law now upon the statute books there can be no royalty except for public performance for profit.

Mr. SUMNERS of Texas. Now, right there, at that point—the enumeration of these specific organizations which are exempted, evidently, from the operation of some provision that is in the bill would indicate that but for this proviso they would be prohibited, even though no fee be charged. If you have a general provision in the bill which exempts in all cases where no fee is charged, why enumerate these exceptions, which under the ordinary rules of construction would exclude all others not enumerated?

Well, I will not press the chairman, but will the chairman of the committee give consideration before we conclude the bill to the possible danger from enumerating certain of the organizations which it is intended shall be exempted from the necessity?

Mr. VESTAL. He will be glad to do that, for that is not the intention of the bill.

Mr. SUMNERS of Texas. I am not talking about the intention; I am directing the chairman's attention to the possible legal effect of enumerating certain of those whom it is desired to exempt.

Mr. BUSBY. Mr. Chairman, the question has been raised whether or not the simple radio set in the ordinary ice-cream parlor playing for the amusement of those working there and those who may come in to be served would be subjected to a charge under this bill. I say most positively that it would. The Supreme Court in the case of *Herbert v. Shonley* (242 U. S. 591) held this very situation to be "a public performance for profit."

The court goes on to say that if it is in a place where business is done, music is there played for the purpose of pleasing and attracting customers, the composers' organization can go around with the \$250-cudgel that you put into the law, with the attorneys' fees and costs, and extract money from the owner of the business. Now I say that the courts have said that they have not now got that right to collect on radio receiving sets. They are seeking to get rights that do not belong to the copyright owners as the law now stands but belong to the people. You are turning all that over to the copyright holders in this bill. The courts have reasoned it out and say it is none of the business of the copyright owner. It is a private concern. It is the people's air, the people's ether, and unless they, the copyright owners, construct wires to bring their service and music there, they have no right to charge for receiving it. I am not in favor of any law giving them the right. And I am not talking about the publishers of books, either, we can not do without, but we can do without the grafters who snoop around the country stores, seeking to extort a fee from some merchant who plays a Victrola in his place of business. I am not talking about music publishers. We could not do without them. I am talking about the monopoly, which has always been at enmity with freedom and the best interests of our people. Monopoly of nearly every kind has been abolished by law, except patents and copyrights, and I am in favor of such monopoly as has been provided in accordance with the spirit of the Constitution, but I am not in favor of letting monopoly in fact displace monopoly in law. I speak in favor of the amendment of the gentleman from Illinois [Mr. REID].

Mr. VESTAL. As I understand it, all debate upon this amendment has been exhausted. May I say one word in answer to the gentleman from Mississippi? The amendment I read a moment ago for the information of the House absolutely settles the question, so far as he is concerned, on this proposition.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. During the time in which this terrific

battle has been waging a few of us have wondered why this controversial bill, instead of being reported out and considered some weeks ago, is thrust upon us during the closing days of this session. There are some of us who are probably unparliamentary enough to believe that it is a sham battle, presented for no other reason than to take up the time of this House, instead of discussing bills in which millions of American men and women are interested. I marvel that we could discuss tweedledum and tweedledee while so many Americans all over this broad land are wondering what this Congress will do with the Couzens bill [applause on the Democratic side] and what this Congress intends to do with the Wagner bills. [Applause on the Democratic side.] O Mr. Chairman and gentlemen of this committee, this is not a tragedy, as suggested by some Members of the House, and it is not a comedy. It is a farce that does not fool anybody.

Mr. REID of Illinois. Does it come under the copyright, as provided in this bill?

Mr. O'CONNOR of Louisiana. Everyone knows that if this bill were to be seriously considered it would have been reported out weeks ago and the House given an opportunity to consider it fairly and pass upon its merits or demerits. Give us the Couzens resolution, give us the Wagner bills, and the American people will believe that we have discharged our duty in an American way in the closing days of this Congress. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. REID of Illinois) there were—ayes 50, noes 25.

So the amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. VESTAL: Page 4, line 9, after the word "existing," change the semicolon to a colon and add the following words:

*"Provided, That this act shall not apply to the rendition of such work by the use of radio receiving sets or other receiving apparatus, unless such rendition is publicly performed for profit, or unless an admission or service fee is charged therefor by the owner or proprietor of such receiving set or other receiving apparatus."*

Mr. CHINDBLOM. Mr. Chairman, as I understand the amendment, it relates only to radio receiving sets. Is it proposed to offer any kind of a similar provision in regard to Victrolas, graphophones, or other mechanical devices?

Mr. VESTAL. I think that is already covered under the present law, for profit.

Mr. CHINDBLOM. I say to the gentleman that I would be quite slow in accepting any conclusion as to what is left in existing law, because in section 64 it is provided—

All other acts or parts of acts relating to copyrights are hereby repealed, as well as all other laws or parts of laws in conflict with the provisions of this act.

And then it excepts certain sections.

Mr. VESTAL. We are leaving the law just as it is, so far as phonograph records are concerned, except the 2-cent provision which goes out in 1932.

Mr. BUSBY. There is this additional proposition, except where they agree to permit an individual to manufacture records at not exceeding 2 cents. The contract rate agreed on between that individual and the manufacturer becomes the rate that may be adopted by any Victrola-record maker on that piece of music, and you are repealing the license clause also, which permits them to form a monopoly with just one manufacturer, and that is a great evil and that is what the Attorney General was protesting against.

Mr. CHINDBLOM. I understand the committee concedes that is the effect of the law?

Mr. VESTAL. Yes.

Mr. WILLIAM E. HULL. Mr. Chairman, I move to strike out the last word. I may be wrong about this, but if I am I want to stand corrected. I think I look at this from a different angle than that of any other man in the House. I am going to stand on my original statement: That when any copyright owner receives his first royalty, that ought to end it, and the people of the United States, if they buy a machine or a disk or a radio which reproduces a copyrighted song, are entitled to do what they please with it. [Applause.]

Mr. LANHAM. Does the gentleman apply that same principle to a story written by an author?

Mr. WILLIAM E. HULL. I apply it to everything in this bill, story or song or anything else.



Mr. LANHAM. Then, if he sells his story to a magazine he can not get anything for his dramatic rights?

Mr. WILLIAM E. HULL. That is opposite to what I suggest, but the man who reads the story should not pay for it.

Mr. LANHAM. The man who reads the story or sings the song does not have to pay for it unless he does it for profit.

Mr. WILLIAM E. HULL. If you pass this bill and I buy a radio set and put it in my house and I have an ice-cream sociable, where the people come in and buy ice cream for a church in my house, and this song is put on that radio, according to this bill I would be subject to a fine for doing it. There is no question about that. You can not fool everybody with this thing.

Mr. STRONG of Kansas. I understand that those who are making radio sets claim that within a few years the system will be so changed that we will have to have a license to operate a radio. Now, if that comes to pass, this section will make it possible for us to be obliged to pay for that.

Mr. BUSBY. There is an article in the New York Times of October 13, 1929, in which it is said that European ideas as to radio operation are different from ours. The radio in the Old World is supported by listeners, and not by advertisers.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. McLEOD. Does the gentleman think that the amendment as read takes care of that?

Mr. WILLIAM E. HULL. No; I think it makes it worse.

Mr. McLEOD. Do not the words there about charging service fees cover that?

Mr. WILLIAM E. HULL. You put that in, but when you want to you can construe it just as you want it. For instance, if you were going into an ice-cream saloon and the fellow conducting the place puts in a tune on the radio you must make him pay for that.

Mr. HUDDLESTON. Has not the Supreme Court in a recent case decided exactly as the gentleman has stated?

Mr. WILLIAM E. HULL. Yes. I can not see why the authors of this bill can not see it and change it so as to protect the people of the Nation.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. OLIVER of Alabama. It appears that rights conferred under the copyright act on copyright owners of music have repeatedly been held by Federal courts to have been violated by using such music in theaters, hotels, and other public places where the music constituted at least a part of the public entertainment from which the owner of the place derived profit through charges made.

Mr. WILLIAM E. HULL. Yes. We are not fooling anybody by putting in this word "profit."

Mr. McCORMACK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. McCORMACK of Massachusetts. Do I understand that the provision should be applied to a broadcasting station?

Mr. WILLIAM E. HULL. Yes.

Mr. McCORMACK of Massachusetts. If that were put in, you would think it would be all right?

Mr. WILLIAM E. HULL. Yes.

Mr. REID of Illinois. Mr. Chairman, I offer a substitute for the committee amendment offered by the gentleman from Indiana.

Mr. VESTAL. Mr. Chairman, an amendment is pending.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. REID] as a substitute for the committee amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment, substitute by Mr. REID of Illinois for the committee amendment offered by Mr. VESTAL: Page 4, line 9, insert after the semicolon the words "Provided, That the provisions of this act shall not apply to the reception of such work by the use of a radio receiving set or other receiving apparatus unless a specific admission or service fee is charged therefor directly by the owner or operator of the radio-receiving set or other receiving apparatus."

Mr. REID of Illinois. Mr. Chairman, both of these amendments were intended to cover the same proposition, but unfortunately the amendment offered by the chairman of the Committee on Patents takes up the question and leaves it in the same situation as it was in before by leaving in the words "or public performance for profit."

This is a substitute for the gentleman's amendment which nullifies the effect of the words. My amendment provides that there shall be no charge where radio sets are not used for any

other purpose than incidental to the entertainment. In other words, a hotel has a receiving set and makes a service charge, or if a service charge is made in any other way, the author would get his royalty. If the entire entertainment was based upon the radio set working properly, with music, then the author would get his royalty.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. Is it true that your amendment would clarify the situation and save the citizen from going to the trouble of going to the Supreme Court or other court and getting a decision?

Mr. REID of Illinois. Yes. The objection that I have to the way the bill is written is this: How could a man having a radio set in a restaurant or hotel, when the thing he produces is copyrighted—how can he tell how the copyrighted piece is going over the radio, so that he can cut off the radio and thereby save \$250, in a case where somebody is sitting in a cigar store or in a restaurant?

A MEMBER. Or in jail.

Mr. VESTAL. I understand. If a restaurant keeper or hotel keeper has a radio set in his restaurant or in his hotel and has wires running into the different rooms, from which he gets from the guests \$1, should he pay?

Mr. REID of Illinois. He should be made to pay a royalty when music goes over the radio that is copyrighted. You are attempting in the copyright bill to levy a tax on the users of radio.

My objection is this: The European system permits that under the government. You are going to turn this over to a private corporation, by your action.

Mr. VESTAL. No. That is the thing we are trying not to do.

Mr. REID of Illinois. Well, that is just what you are doing. You do not know it, but that is just what you are doing.

Mr. LAGUARDIA. Mr. Speaker, I rise in support of the substitute amendment.

As a friend of the bill, I am going to ask the committee if it will not accept the amendment offered by the gentleman from Illinois [Mr. REID]. It will not in any way disturb the rights which it is sought to give the author, for the reason that a broadcasting station will necessarily have to make its arrangements with the author, and the author has the right to take into consideration under what conditions the broadcasting station is operating. Therefore by accepting the amendment of the gentleman from Illinois you will remove this doubt, which I do not entertain, but which many gentlemen do entertain, and properly so, that there may be some danger of the store-keeper or hotel or anyone using a radio in a semipublic manner being subjected to the penalties provided for in this bill.

The amendment offered by the gentleman from Illinois serves the purpose far better than the previous suggestion of the gentleman to strike out the section, because, if the section were stricken out that would permit the broadcasting station to use the work of an author without pay. Surely I do not think broadcasting stations are entitled to any more privileges than have already been given them. Broadcasting stations very often send out orchestrations under the statement that they have an orchestra playing, when it is only a phonograph record, and when they do that, they should be made to pay. I will say to the gentleman from Indiana the only purpose is to safeguard petty annoyances, and there is only one other objection I have to the bill and that is section 26. We will take that up when we get to it.

Mr. REID of Illinois. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. REID of Illinois. May I say when I spoke about striking out the paragraph it was because the chairman of the committee inserted on page 4, line 5, the words "for profit." My objection was that they were putting these people into the transmission business. That was my objection. The gentleman is certainly not in favor of that.

Mr. LAGUARDIA. But I think section (g), as amended with the proviso contained in the amendment offered by the gentleman from Illinois [Mr. REID] will save a lot of trouble, and will not in any way destroy the rights and protection which it is sought to give authors.

Mr. VESTAL. Mr. Chairman, there is so little difference between the gentleman's amendment and the one I have suggested I am willing to accept his amendment.

Mr. BUSBY. Mr. Chairman, I move to strike out the last word.

I want to call the attention of the members of the committee to the situation that there are many circumstances under which I believe an additional tax would be laid against the people.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. SCHAFER of Wisconsin. In up-to-date apartment houses to-day they place radio equipment in each apartment connected with a central receiver. Under the terms of this bill, as reported by the committee, would it not result in an added tribute being levied on the renters of the apartments through the fact that the owner of an apartment would have to pay tribute to the copyright owners of music, although the occupant of the apartments might not specially want copyrighted music transmitted through their room radios attached to their apartments?

Mr. BUSBY. I think that is a very pertinent question.

Mr. SCHAFER of Wisconsin. If I owned an apartment house, I perhaps could receive plenty of broadcast programs which would meet the fancies of my tenants without having copyrighted pieces, and therefore I think this situation, where copyrighted music would enter into forced sale, compelling the owner of an apartment house to receive it because there would not be a switch which would automatically throw out the copyrighted music when it comes over the air, is entirely wrong.

Mr. BUSBY. Mr. Chairman, I would like to proceed. I can visualize this organization which is lobbying for this bill, the Composers, Authors, and Publishers of America, which is an administrative body or monopoly, as shown by their articles of association, getting together a force which would rival in number the force that is down at the Internal Revenue Bureau to collect the tribute from all the apartment houses and all of the drug stores and all of the barber shops and hotels, and every other place, when they get this legislation enacted. I am against this amendment for the simple reason that it would turn them loose in the way it is admitted by the proponents of this bill that it would. I do not think it is just to the American public to have to pay tribute to them in that sort of way.

Mr. ARENTZ. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. ARENTZ. Why would not this bill single out the persons or corporations operating broadcasting stations so that one concern would pay it all rather than going back to the homes or hotels or apartment houses?

Mr. BUSBY. That should be the situation and end collections there.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment to the substitute, after the words "or such other means for transmitting or delivering," after the word "apparatus," in line 3, add the words "or such other methods or means for transmitting or delivering."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. LAGUARDIA. The purpose of the amendment of the gentleman from Illinois [Mr. CHINDBLOM] is to take care of the receiving end of the transmission.

Mr. CHINDBLOM. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] withdraws the amendment to the substitute amendment. The question is on the substitute amendment offered by the gentleman from Illinois [Mr. REID].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended by the substitute amendment.

The amendment as amended was agreed to.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 4, line 13, after the word "whatsoever," insert a period and strike out the remainder of the section, lines 13 to 18, inclusive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. VESTAL].

Mr. CHINDBLOM. Just a moment. May we have the reasons for the amendment?

Mr. VESTAL. It is a repetition of language already in the bill.

Mr. CHINDBLOM. The gentleman thinks the proviso at the bottom of page 3 relates to everything in the bill?

Mr. VESTAL. Yes.

The amendment was agreed to.

Mr. STRONG of Kansas. Mr. Chairman I offer an amendment, which I have sent to the Clerk's desk, and which, I understand, the chairman of the committee will accept.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STRONG of Kansas: Page 3, line 24, strike out all of lines 24 and 25.

The amendment was agreed to.

Mr. HOGG. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Hogg: Page 3, line 23, after the word "purposes," insert "And provided further, That the provisions of this act shall not include the production of copyrighted musical works by machines solely operated by coins deposited in such machines by others than the owners of said machines or by their agents."

Mr. HOGG. Mr. Chairman—

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. STRONG of Kansas. Is it the purpose of the gentleman's amendment to authorize the use of the slot machines?

Mr. HOGG. Of coin-operated machines in restaurants and other places for the production of music and the playing of records and rolls.

Mr. STRONG of Kansas. That is a slot machine.

Mr. HOGG. Mr. Chairman and gentlemen, within a couple of years, under this proposed law, when you purchase a phonographic record you must pay whatever royalty the owner demands. That is the basic provision. If your constituent owns a coin-operated machine which plays music when a person deposits a coin, then, under the operation of this bill, the organization which has been frequently mentioned here to-day can go into that restaurant or drug store or whatever place it may be and, with the authority of the criminal laws of the United States behind it, it can compel the owner of the local establishment to pay whatever that organization proposes to charge as a reasonable fee.

Such a privilege to a few is a rank injustice to the scores and hundreds of local owners of these coin-operated machines in every county in the United States. When you meet your constituent in his drug store or in his restaurant and he puts before you this bill, which you are now called upon to enact, and asks you why you put such an unfair provision in the bill, I would like to know what sound reasons you can give him.

Mr. MAPES. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. MAPES. In addition to what the gentleman has said, the owner of the store has to pay for the record to get the music. He has already paid the royalty to the composer when he buys the record.

Mr. HOGG. Exactly. This bill makes the local owner pay twice for the same thing.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. McCORMACK of Massachusetts. And the gentleman's amendment protects the author against the company or the agents who put out such machines?

Mr. HOGG. Now, my friends, this is a just amendment. After you have paid the royalty once and undertake to operate such a coin machine without profit, while you eat in your restaurant, there is no process of reasoning which justifies the terms of this bill which compel you to pay a performance fee.

Mr. CONNERY. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. CONNERY. The gentleman says, "without profit." Does the gentleman's amendment call for operation without profit?

Mr. HOGG. My amendment puts a very specific construction on those words. There is no reason in leaving the construction of this language to any court. It is not right and it is not just to cause the small operators of these instruments in country places to pay a double fee. And I say further, that it will cause the sending of a set of inspectors and snoopers throughout this land who will drive to shame any similar organization which has ever come within the imagination of man.

Mr. BUSBY. If the gentleman will permit, does his amendment use the words "without profit"?

Mr. HOGG. No; the amendment specifically states that in the case of a coin-operated machine where the coin is deposited by other than the owner or his agent, that the owner not be compelled to pay a performance fee, in addition to the royalty fee. Is not that reasonable?

Mr. BUSBY. That sounds good. [Laughter.]



Mr. HOGG. My friends, the committee reporting this bill has given the right to the producer or music to walk into the little retail store, the drug store, or the eating place in every community in the Nation and exact an unreasonable fee with the power of the criminal laws of the United States to enforce its collection. Such a ridiculous thing as that is unjust, and I hope we will have sufficient support to pass my amendment.

Mr. CONNERY. If the gentleman will permit, I am inclined to favor the gentleman's amendment, but I would like to be put straight on it. Is the gentleman going to take care of the owner of that machine who puts it in there? Are you going to tax him? You do not want the author who created this song out of his brain and through his own ability not to get anything from the man who is putting out these machines and getting the nickels.

Mr. HOGG. The author gets his royalty on every record which is sold. As a royalty he can charge anything he pleases after 1932. When he sells his record to the small retailer who puts it in a coin-operated machine, it is not right, nor is it just, to give the seller the right to exact a further performance fee under the threat of enforcing payment through the criminal laws of the United States. The public has some rights which must not be overlooked. With the additional performance fee, the society often mentioned to-day could and would employ an array of secret reporters which would become intolerable. [Applause.]

Mr. LANHAM. Now, with reference to this slot machine, there can be no question but that there is a performance for profit. You take a man's property and use that property and collect for the use of it in the slot machine and pay the author nothing for the use of his property. The gentleman from Indiana says this is a case where the composer has been paid for the record. Under the present law he gets not exceeding 2 cents a record. Regardless of the law, if this bill is passed to-day he probably will not collect more than 3 or 4 cents; but suppose he gets 5 cents a record? The gentleman from Indiana will realize that the man who operates the slot machine gets the pay for playing that record over and over and over again, but he never pays the author anything for the copyrighted music. If you hire a man's horse and ride it to the circus you have to pay for it, but you can not keep on going to every circus with that horse on the same payment.

Mr. YON. When you hire a horse you can drive him as long as you have hired him for.

Mr. LANHAM. You buy a magazine with a copyrighted story in it, but you would not take the story out of the magazine and publish it in your paper without paying for it. The whole question resolves itself into when it is a public performance for profit and when it is not. If a man takes toll out of an author's copyrighted product he ought to pay the author his part of what he receives.

Mr. CONNERY. The man who makes the slot machines and puts them into the drug stores makes thousands of dollars and the composer or author is paid 2 cents on the record.

Mr. LANHAM. Yes; the proposal is that all the money go to the man that makes the slot machines and nothing to the man that makes it possible to operate the machines. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, when I buy a record and put it in my home I can use it until it wears out. It belongs to me. I can reproduce the song or musical composition as many times as I see fit. There should be no difference when it is put into a drug store, a refreshment parlor, or other place where people gather to enjoy themselves. [Applause.] It should be the same when people spend a nickel for the privilege of hearing a piece of music or a song rendered on a record which has been bought and paid for. [Applause.]

The gentleman from Texas talks about a horse. How many times are you limited to riding a horse after he is once bought and paid for?

Mr. LANHAM. Every time you hire the horse you pay for him, and every time you hire the copyrighted music, you should pay for it.

Mr. CHINDBLOM. I am not talking about a record for hire, but a record that you have bought and paid for.

Mr. LANHAM. But you operate the slot machine for profit and get the money for it.

Mr. CHINDBLOM. There is no use in using the words "slot machine" with any kind of implication. The slot machines are all right. You will find that in the big cities slot machines are used to buy food. You get your lunch through a slot machine. If you do not accept such a provision as this in this bill, you will not have these machines at all in these places where the people are now getting entertainment and pleasure out of their existence, because it will be worth nobody's while to use the machines. They will be a constant eyesore, a constant source of irritation on the part of patrons of these business houses, and

you are simply depriving merchants and proprietors of the business they may get from people who come to places of this kind for the purpose of hearing a little music while eating ice cream or indulging some other innocent pastime.

Mr. LAGUARDIA. Mr. Chairman, I think the least that we could do to-day is to be consistent: I have heard almost every Member on the floor of this House, at one time or another, speak on behalf of the producer, arguing that the producer should get the fruit of his toil. I have heard it said for the seaman, for the farmer, for the railroad employee, for everybody, I have heard it for every possible branch of industry, but now that we have a case before us of the producer of music or thought, there seems to be a great fear that perhaps some operator of a slot machine is going to lose something. The gentleman from Illinois [Mr. CHINDBLOM] is too good a lawyer to go off on the proposition that he has just mentioned. In the first place, no record is sold outright. When you pay your 60 cents, or whatever the record costs, you become a licensee to use that record for a specific purpose printed on the record, and that is to reproduce the record as many times as you desire privately, but not for public exhibition. Take the case of the slot machine. Your slot machine without the record as a music producer is worthless. It is simply a mechanism. There is nothing that produces more profit than your slot machine. Your storekeeper will have no cause to worry, and why? Because, in the first place, when he buys a slot machine and buys his rolls or records to go with it, he will see to it that he buys rolls and records that have stamped on them, "This record is licensed to be reproduced in a slot machine." I can not see the justice of taking a record which is attractive in and of itself—the machine is not the attraction—and reproducing it for profit.

Mr. CONNERY. Mr. Chairman, I want to bring out clearly what the gentleman says. In these Chinese restaurants or drug stores they can produce records without any obligation at all to the author because they are made for such reproduction.

Mr. LAGUARDIA. Yes.

Mr. CONNERY. Then they do not need this amendment.

Mr. LAGUARDIA. The argument urged by the gentleman from Illinois [Mr. CHINDBLOM] is just this, that once having paid a royalty on a record sold for private use and not for public exhibition, that gives a right to other people to sell and reproduce that for so much each reproduction. That does not follow in law or in justice or in morals. There is no greater producer of profit than the musical slot machine, and I say that the author who produces an attraction for that has a right to be protected when it is sold at so much per reproduction.

Mr. CHINDBLOM. Does this change the present situation with reference to the sale of records specifically made for public performance?

Mr. LAGUARDIA. The amendment of the gentleman from Indiana would exclude your slot machine. In other words, it would take the slot machines out, and simply say, because you have a slot machine, go ahead and use the copyright of anybody you want. There is no difference whether you pay 10 cents to go into a place and listen to 10 pieces of music or if you pay 5 cents and put something to your ear and listen to one piece of music. Your storekeeper need have no fear. This will adjust itself all right for him, because the operator of the machine will see to it that the rolls he sells are properly protected. The man will not be disturbed by any penalty.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto do now close.

The CHAIRMAN. Is there objection?

Mr. BUSBY. Mr. Chairman, I reserve the right to object. I have been withholding a number of amendments to this section with a view to giving the chairman an opportunity of offering quite a bundle of amendments to try to clear up the first section of the bill. I want the opportunity of offering the amendments that I have prepared, which I think will be very helpful to the bill if we are to pass it. For that reason I must object.

Mr. MAPES. Several of us are interested in this section, and, as the gentleman from Mississippi has pointed out, only one amendment has been offered so far, the amendment of the gentleman from Illinois [Mr. REID], that has not been offered by the chairman of the committee. I would like to have a chance to offer an amendment or to support an amendment that will be offered.

Mr. VESTAL. I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. BUSBY. Oh, that is out of reason.

Mr. HOGG. Mr. Speaker, I object.

Mr. VESTAL. I withdraw the request.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.



Mr. BUSBY. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Substitute amendment offered by Mr. BUSBY for the amendment offered by Mr. Hogg: Page 3, line 23, after the word "purposes," strike out the semicolon, insert a colon, and the following words: "Provided, The reproduction or rendition of the musical composition, by or upon a coin-operated machine or on parts of instruments serving to reproduce mechanically the musical work, shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs."

Mr. BUSBY. Mr. Chairman, I tried very carefully to cover the situation that has been called to our attention by the gentleman from Indiana in regard to the musical records and musical rolls dealt with by the amendment of the gentleman from Indiana. I also wish to point out the fact that if a fee is charged for admission to the place it would be more proper to exact a royalty than simply where music is being mechanically performed in a place of business.

Mr. HOGG. Mr. Chairman, I believe the amendment offered by the gentleman from Mississippi goes into detail more thoroughly than mine, and I suggest that his substitute be accepted.

Mr. LANHAM. Mr. Chairman, this applies to performance for profit. It is paid at the time the performance is rendered. If we are going to encourage the musical composers of this country to do their work, how are they going to get their return? The day is past when in each home there is a piano and a stack of sheet music, because to-day we go instead to the radio or to the picture show, or something of that kind, and consequently the return to the author in the way of royalty on sales of sheet music is of little consequence. He is entitled under the law as it exists now to a reasonable profit from the use of his property. Certainly if you put money in a slot machine where the music is produced the author of the music is furnishing the entertainment, and certainly he is entitled to a due return. If you do not make it possible for him to get his return from the producer, the author gets nothing.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. McKEOWN. If a man pays a royalty, how does it belong to anybody else? When a man sold his copyright he sold it to the recording people.

Mr. LANHAM. He can get only 2 cents for a record under the present law.

Mr. McKEOWN. Does the money go to the composer or to the publisher or to the proprietor of the slot machine, for example?

Mr. LANHAM. It goes to the proprietor of the slot machine. The slot-machine man is receiving more than the man who wrote the music although the composer holds the copyright.

Mr. McKEOWN. Suppose I had two records and put them in my machine. Does not the composer get his return when I pay for those records?

Mr. LANHAM. Yes; and if a man buys a copy of a play that is being produced in New York, he buys the play but he can not perform it for profit. You want to take music and put it in another category from plays or other literature.

Mr. McKEOWN. You say I can not produce the play. If I produce it, then what?

Mr. LANHAM. If it is copyrighted, you can not produce it without paying the copyright owner his royalty. That applies to anybody who produces it for profit.

Mr. CONNERY. Mr. Chairman, I am very much interested in the opposition to this amendment. After hearing the discussions, all I can say is that there is an opportunity for big manufacturers in Chicago and elsewhere to sell slot machines throughout the United States. The slot machines give no protection to the author of the music.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. LEHLBACH. Is it not a fact that a vast number of these slot machines are not paid for by the men who use them, but are furnished by the manufacturers, and the profit goes to the manufacturers?

Mr. CONNERY. Yes. The drug-store proprietors probably pay a royalty on the machine, but the big manufacturers throughout the United States are the owners of these slot machines. I want the man who wrote that song to get the return. It ought to go to the author.

Mr. ENGLEBRIGHT. The gentleman knows that the greatest opposition to this bill has come from the slot-machine owners?

Mr. CONNERY. Yes.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this amendment shall close in five minutes. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Chairman, I rise in opposition to the amendment.

No one could have presented this legislation in a more scholarly, more logical, and more pleasing way from the viewpoint of the committee than did the distinguished gentleman from Texas [Mr. LANHAM]. He enjoys not only the confidence but the affection of every Member of the House, and I certainly share in the fullest degree that feeling for him. Great though our evaluation be of him as friend and colleague, many of us find ourselves at difference with him on certain provisions of the pending bill, and to me it is very evident that the House will insist on radical changes in the bill as reported. I should like for the committee in charge of the bill before asking the House to vote thereon to first make clear what significance, if any, the committee gave to the letter from the Attorney General, in which he strongly urged that if you repeal the existing law, which limits the royalty charge to 2 cents, that you incorporate in the bill a provision to prevent monopolistic control and unlawful agreements—language to accomplish this having been prepared and submitted by the Attorney General. Has the committee given any consideration to it? If so, why did the committee not include some reference to it in the report? Why did the committee not provide some limitation against unlawful combines, since the highest judicial officer of the Government says it is important? Did the committee give consideration to the very same letter from the State Department calling attention to provisions in the bill you are now considering which the department felt were in conflict with existing treaties? If not, what reasons do you assign for ignoring the letter from the State Department?

Communication by radio was unknown when the copyright law was passed in 1909. Yet you are asking the House to hurriedly now write a law that will give very valuable rights which were never intended to be given, nor should ever be given, to copyright owners. When the initial broadcasting station pays for the right to broadcast a song, why should those tuning in on the free air thousands of miles away be required to pay the copyright owner another fee or charge therefor? Until this committee can say to the House that these matters of large consideration, and as to which the House is deeply interested, because they affect the constituency of every man in this Chamber, have been considered and the dangers therefrom properly safeguarded, this bill will never pass. It is a very technical bill and must be thoroughly understood and radical changes made therein, I feel, before it is approved.

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired.

Mr. McCORMACK of Massachusetts. Mr. Chairman, a parliamentary inquiry. Is the opportunity to offer amendments precluded under the unanimous-consent agreement that debate shall close in five minutes?

The CHAIRMAN. The agreement was that all debate should cease in five minutes upon this amendment. It does not preclude the offering or debating of other amendments.

The question is on the amendment by way of substitute offered by the gentleman from Mississippi to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. VESTAL) there were—ayes 55, noes 45.

Mr. VESTAL. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the substitute amendment to the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Indiana as amended by the substitute.

The question was taken; and on a division (demanded by Mr. Hogg) there were—ayes 60, noes 41.

So the amendment as amended by the substitute was agreed to.

Mr. REID of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. REID of Illinois: Page 4, line 13, strike out the period, insert a colon and the following:

"Provided further, That the provisions of this act shall not apply to the reception of such work or works by the use of a radio receiving set or other receiving apparatus, unless a specific admission or service fee is charged therefor by the owner or operator of such radio receiving set or other receiving apparatus."



Mr. REID of Illinois. Mr. Chairman, this is the same amendment as in the other paragraph.

The amendment was agreed to.

Mr. BUSBY. Mr. Chairman, I offer an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUSBY: Page 4, at the end of the amendment just adopted, insert "It shall be unlawful for any copyright owner to contract, combine, or conspire with any other copyright owner or owners, either directly or through any agent or agents, to fix a price or royalty rate for the use of any copyrighted works upon parts of instruments serving to reproduce the same mechanically, and any such act shall be a complete defense to any suit, action, or proceeding for any infringement of any copyright of such copyright owner."

Mr. BUSBY. Mr. Chairman and members of the committee, the amendment read to you was prepared and recommended by the Attorney General of the United States. Complaint had frequently been made to his office that the Society of Composers, Authors, and Publishers of America was a monopoly in restraint of trade and contrary to the provisions of the Sherman anti-trust law. I ask your attention just a moment. The Attorney General states that several special agents of the Bureau of Investigation were engaged in the investigation and that it was conducted almost continuously for a period of about two years.

He goes on to refer to a court decision of *Harms v. Cohen* (279 Fed. 276), decided in the district court of Pennsylvania, where it was held directly that the American Society of Composers and Authors and Publishers was not subject to the Federal antitrust law in dealing with copyrights because they did not handle a commodity that is shipped in interstate commerce.

The Department of Justice goes on to say that if we repeal the 2-cent limitation tax, as we are proposing to do in this bill, by all means this amendment ought to be written into the law. The Attorney General writes the amendment and submits it to the committee that is considering the copyright law. They simply sidestep it, that is all, and leave this monopoly to extort money out of the unsuspecting public when they find anyone performing a piece of music on a common Victrola who has not obtained the permission of this monopoly to do so.

I am offering the amendment written by the Attorney General of the United States, who has studied this subject for a period of two years through special agents, and I ask its adoption. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. REID of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REID of Illinois: Page 4, line 5, after the word "To," where it first appears in the line, strike out the word "communicate" and insert in lieu thereof "have communicated."

Mr. VESTAL. That amendment is perfectly all right.

Mr. STAFFORD. Mr. Chairman, I ask for recognition on the amendment.

I would like to have the attention of the chairman of the committee or the author of the amendment. I notice in all these paragraphs granting the right of exclusive copyright the present tense is used. Now, the gentleman proposes by his amendment, which is acceptable to the chairman of the committee, to have the preterit tense used. In all the other paragraphs the committee used the present tense, why in this instance did we use the preterit?

Mr. REID of Illinois. If the gentleman will permit—

Mr. STAFFORD. Yes; I took the floor to make this inquiry of the gentleman.

Mr. REID of Illinois. It was my idea when this paragraph was up before to strike it out for the reason that this was putting the authors into the communicating business. This amendment will do away with any idea they have any right or control over the apparatus or instrumentalities of communication. So I have just changed it from "communicate" to "have communicated." If you are going to use the word "communicate" then the matter should come before the great Committee on the Merchant Marine and Fisheries, and you should not attempt to do this through the Committee on Patents, which has control of copyrights.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. Such copyright shall extend to all published and unpublished works of authors who are citizens of the United States, not in the

public domain on the date when this act takes effect, and all works of such citizens hereafter created and to the works of alien authors in the event that—

(a) Such work is first published in the United States or a foreign country adhering to the International Copyright Union described in section 60 of this act; or

(b) Such work, if unpublished, is created by a national of a foreign country adhering to said International Copyright Union; or

(c) Such author is a national of a foreign country not adhering to said International Copyright Union, which country by treaty or international agreement grants to citizens of the United States copyright on the same basis as to its own nationals; or

(d) Such author is a national of a foreign country not adhering to said International Copyright Union, but is residing at the time of the creation of such work in a country adhering to the International Copyright Union.

The existence or cessation of the reciprocal conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time, as the purposes of this act may require.

In the event that the United States shall at any time after adherence withdraw from said International Copyright Union, then the provisions of this section referring to said International Copyright Union shall thenceforth have no force and effect, but the other provisions of this section shall remain in full force and effect.

With the following committee amendment:

Page 4, line 26, strike out the figures "60" and insert "61."

The committee amendment was agreed to.

Mr. LANHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, lines 25 and 26, after the word "the," strike out the words "International Copyright Union" and insert "convention of Berne for the protection of literary and artistic works."

Mr. LANHAM. This is the technical title of the copyright convention. The same words appear in four different places in this section, and I would like to have the amendment considered with reference to the four places.

The CHAIRMAN. That can be done by unanimous consent.

Mr. LANHAM. I ask unanimous consent that that amendment apply to the other places in this section where those same words are used.

Mr. BUSBY. Reserving the right to object, what is the gentleman going to do where the word "international" is used?

Mr. LANHAM. My amendment is definite. I am offering this amendment to correct the language of the bill so that the convention may be properly described. It is not an international copyright union, as it is often referred to, but it is the convention of Berne for the protection of literary and artistic works. That is the technical name.

Mr. BUSBY. Then there is no question of internationality involved in it?

Mr. LANHAM. No; it is merely a correction of the name of the Berne convention.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

#### ASSIGNMENT OF COPYRIGHT

SEC. 9. The author or other owner of any copyright secured under this act or of any copyright heretofore secured under any previous act of the United States may, to the extent of his interest therein, by written instrument signed by him or his duly authorized agent, executed after this act goes into effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and may bequeath the same by will. The author or other owner of any copyright or any person or persons deriving any right, title, or interest from any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and to the extent of his right, title, and interest is entitled to the remedies provided by this act: *Provided*, That no assignment by the author, where the author is an individual, of the copyright in any work and no grant by him of any interest therein (otherwise than by will), after the passage of this act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of 28 years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void.



Mr. VESTAL. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Page 9, line 8, strike out the word "interest" and insert in lieu thereof the words "right or rights comprised."

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment:

On page 9, line 19, after the word "void," insert the following: "After the death of the author the entire reversionary interest in the copyright or any right or rights comprised therein may be assigned, mortgaged, licensed, or otherwise disposed of by his legal personal representative or such other persons (if any) in whom the same shall vest under his will, except that no assignment or other disposition of any right or rights for the reversionary term or any part thereof shall be made unless the assignee or licensee of record thereof (if any) for the immediately preceding term shall have first been given a reasonable opportunity to acquire the same at a price and upon terms at least equal to those upon which such right or rights are offered or granted to others, and any assignment or other disposition or agreement as to the disposition of any such right or rights in violation of this restriction shall be null and void and may be set aside at the instance of such prior assignee or licensee."

Mr. STAFFORD. Mr. Chairman, I think the chairman of the committee ought to make some explanation of this all-inclusive amendment.

Mr. VESTAL. Mr. Chairman, this amendment merely provides that he may have a right to contract, even though a contract had been made before, but that the person who had the first contract should have the right to contract with the heirs.

Mr. STAFFORD. And whom does the gentleman mean by "he"?

Mr. LANHAM. Let me give a concrete example of what this amendment means. This section provides that no man can make a contract for the publication of his works beyond the period of 28 years after his death. At that time the right and title to these works revert to his heirs.

Mr. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. REID of Illinois. Does it not say "not otherwise than by will"?

Mr. LANHAM. Yes; that is correct. If the author has contracted, for instance, with a book-publishing concern to publish his book, and the 28 years beyond his death have elapsed, then the right goes to his heirs or legal representatives; but if another book-publishing company were to offer a royalty payment for the publication of the work of the author in excess of the royalty payment offered by the first publisher, who had been publishing it for years, the first publisher would have the right, if he equaled the best price they could get from the standpoint of royalty, to continue the publication, which, of course, would be in the interest of the heirs.

Mr. STAFFORD. Mr. Chairman, one of the most objectionable, if not the most objectionable feature in this bill, as I view it, is that granting virtually an exclusive right for 50 years beyond the life of the author. Under the present copyright law every author has 28 years, but in this bill you grant the exclusive right to the publisher for the life of the author and 50 years on top of it. Where is the public being considered under such an arrangement? I assume the members of the committee claim that granting an exclusive right for the life of the author, plus his 50 years, is a limited period. I do not consider it a limited period except technically. It is granting a monopoly to a publishing house, and anyone acquainted with these privileges knows that these rights are not going to be accorded to any extent to the author except during his lifetime, but it is for the publisher, against the best interests of the public, in getting rights to these publications after a reasonable limit of time. I am for the public and not for the exclusive publishing houses. [Applause.]

Mr. LANHAM. Of course, the term now is for 28 years, with a renewal of 28 years, which makes 56 years. And under such circumstances the term there provided could be even longer than under the present bill.

Mr. STAFFORD. Not generally, not under the ordinary run of affairs. Authors are not getting out their publications when they are dying.

Mr. BUSBY. Mr. Chairman, I rise in opposition to the amendment. Carrying out further the suggestion of the gentleman from Wisconsin [Mr. STAFFORD], the present law is that a copyright exists for 28 years, with the privilege of renewal provided application is made one year before it expires. Under the present law the author comes in for his own at the end

of 28 years, or when the copyright is renewed, no matter if he has assigned his work. The purchasers have to deal with him, because he produced the work which was worth while and which has lived for 28 years and is still worth renewing. The work has proved to be something of an outstanding value. The report of the Senate committee on the 1909 copyright bill details the reasons why the period of 28 years, with the privilege of renewal, was granted. That was in order that the author might be taken care of instead of the publishing house when the time came to renew the copyright.

Mr. WILLIAM E. HULL. I want to know whether the author can control a copyright after he is dead? Can he assign it or give it to his wife or somebody else?

Mr. LANHAM. With renewal it can run for 56 years, under the present law.

Mr. BUSBY. But the benefits are reserved to the author for life and are under him and under his family, and the present law does not provide that the administrator may come in and administer the copyright as a part of his estate, but the family must come in and must be considered in the renewal. They are changing all that in this bill and letting the publishing house come in, providing some member of the family does not come in and claim. This is a very bad feature. If this proposition had been the law when Longfellow was alive—he died in 1882—there would still be a copyright on all of his works, the title, no doubt, in some publishing house. If it had been the law when Lowell was living—he died in 1891—the copyright would still have 12 years to run, with a publishing house taking revenue from people on a perfectly live copyright.

Mr. CONNERY. Does not the gentleman think that if Longfellow was alive at that time and wanted to sell his rights for the benefit of his family to a publishing company that he should be entitled to do it?

Mr. BUSBY. The experience of all these music writers and all other writers is that they get about \$25 and the publishing house about \$25,000, and the 28 years bring the author back to his own so that he can have a second look-in. [Applause.] This is in opposition to the amendment. Why, we are not going to be living when that 50 years is gone, but the corporations and publishers will be living, and those who are favored by having received the royalty or by having inherited it will benefit. But the producers or their families will not be taken care of. I am speaking against the amendment of the gentleman from Indiana.

Mr. CONNERY. Mr. Chairman, I would like to ask the gentleman from Mississippi a question.

Mr. BUSBY. Yes.

Mr. CONNERY. The gentleman says this only applies to publishers. Does it not also apply to the families of the publishers? Victor Herbert has died, but his widow still lives. Under this law and under this amendment would not Mrs. Herbert have a longer time in which to get the benefits of the publication?

Mr. BUSBY. If some other individual had not bought the copyright outright, that would be the case. But the man who wrote the song that I referred to to-day, even if he lived a hundred years, would never receive another cent for his production.

Mr. CONNERY. On general principles I would not oppose a publishing house getting the exclusive right, but the gentleman said that the author of the song got only \$25 for the song that was turned into a profit of \$35,000 for the publisher. But I would like to make it so that the author or publisher would have an opportunity to get the benefit.

Mr. VESTAL. I am going to offer an amendment providing that the copyright shall continue 50 years after the death of the author. As the law stands now, the copyright holds for 28 years after publication. That will not be in this law, because there will be no date of publication.

Mr. LANHAM. This is designed for the benefit of the author. At the end of 28 years the publisher can not continue the publication unless he pays the price, or somebody else pays the price, to the author.

Mr. STAFFORD. Twenty years after an author's death his heir might demand a higher royalty. The Constitution says this copyright shall run for "a limited time." Is it to be 20 years or 200 years?

Mr. LANHAM. Does the gentleman know of any such case?

Mr. STAFFORD. In the case of Nathaniel Hawthorne the right went to his son Julian Hawthorne, who later had some difficulties with the Government.

Mr. CONNERY. I believe that the author who writes the book or the composer who writes a song or the artist who produces a picture should enjoy the fruit of his brain. I believe his family should get the benefit of that, and I am in favor of this amendment.



Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this amendment and all amendments thereto close in five minutes. Is there objection?

Mr. BUSBY. Reserving the right to object, Mr. Chairman, what does the chairman of the committee propose to do in regard to continuing the consideration of the 30 or 40 pages remaining of this bill? A number of paragraphs relate to the penal features and damages. Does the gentleman wish to detain the committee in session all night just in order to put this over? When does the gentleman intend to move that the committee rise?

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. BUSBY. I object. If the gentleman makes his request 15 minutes I shall not object.

Mr. LUCE. Mr. Chairman, I inject myself into this discussion with some hesitation, lest there might be suspicion of self-interest. I presume there are not many other Members of the House who are owners of copyrights. The copyrights I own are of small value, and the action of the Congress in this particular would not affect them at all. But possibly I am the only man in the Chamber who can talk from the point of view of a producer of an article copyrighted.

If I had spent years in making a statue or a picture, as I have spent years in the writing of certain books, there is not a man here who would question my right to turn that statue or picture over to my heirs, or who would question their right to transmit it to their posterity indefinitely.

Why, because instead I have put my time into writing a book, will you deny me equal control over the product of my brain? It may be of slight worth. In the case of others it may be of great worth, but why do you deny the author complete ownership in that which he produces? Why do you say that the public has any rights whatever in the matter? Consider the author who produces to gratify his desire to contribute to the welfare of the world. Is it not within his province to say how that desire shall be met? If I choose to build a house with my own hands, you allow me to transmit it to my heirs, and they to theirs. Why, when with those same hands I write a book, do you say the public has acquired certain rights of control over that property? Why do you draw the line between different kinds of property? Why do you say that the author, the poorest paid producer of all intellectual classes, shall alone be deprived of complete control of the fruits of his labor?

You ridicule the idea of extending the protection of this law to 50 years. Some genius who dies young, say, at the age of 25 or 30, and leaves children, has the right to leave his tangible property to those children, which they may be spared to enjoy for near a century; but if he leaves only his writings, you think half that period too much. Why do you say that bonds and stocks or bricks, or stones, or anything else material, may be held in private ownership forever and yet say because the product of the brain is printed on paper, transmitted to the world in that particular fashion, the producer shall not have equal opportunity to control the results of his toil?

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. WILLIAM E. HULL. Why should a man who invents a patent on a machine only be protected for 17 years?

Mr. LUCE. I am not trying to reconcile inconsistencies. Two wrongs do not make a right.

Mr. WILLIAM E. HULL. That may be.

Mr. LUCE. I am simply contending that a man who trains himself by toil through many years, who secures an education, perhaps with the utmost sacrifice, which finally makes it possible for him to turn to his profit the work of his brain shall not be picked out to be characterized as a monopolist and his heirs shall not be denied the full enjoyment of the product of his labor.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, the policy enunciated by the distinguished gentleman from Massachusetts [Mr. LUCE] is that the public shall not be considered in the rights which we vest in the way of monopolistic privileges, but only the author. The Constitution of the United States lays down the basis on which we should recognize the rights of authors and inventors, and provides specifically that it is for a limited term. The

Supreme Court of the United States has declared that there is no inherent right in the descent of property; that it rests upon legislatures to determine, after the life of the possessor of that property, how it shall be distributed. [Applause.]

Now, has the public any rights in this matter, or shall the creator of those works only be considered? I stand here because I have authorities back of me that there is no absolute right in an author to his own creations. He may withhold it, if he wants to, but when it comes to publication, the making of copies, under copyrights, then it is for the legislative body to determine the terms. [Applause.]

I say to you that I am for the thousands and hundreds of thousands of poor people who to-day are privileged to buy David Copperfield or Vanity Fair or any of the other classic productions because the period of copyright which was granted to the author has expired. Now you want to penalize the poor for the benefit of whom? Boston? There are voices here on this floor from Boston. Boston has noted publishing houses. Little, Brown & Co., Dodd, Mead & Co., Estie & Co., and several others.

Everyone knows that when an author enters into a contract with a publisher he may have perhaps safeguarded his rights for his family's benefit, but in general, if we give protection to an author for a period of 30 years, we are recognizing the rights of ownership of that author in his own creations, and it is for us to say whether, after the expiration of that exclusive term, we will protect the public. We are not concerned only with the rights of the author. In my determination of this question I place the rights of the public ahead of the rights of the author.

I want to conserve the rights of the author to a limited extent, but I am unwilling to give any author, or any publishing house that will control the rights of the authors, the right of monopoly for an unlimited time, and certainly under the terms of this bill beyond the lifetime of anyone living. In this particular I want to direct your attention to the provision in section 3 of the bill, which provides:

SEC. 3. Where any work, except a dramatico-musical or musical work is created by an employee within the scope of his employment, his employer shall, as author, be the owner of the copyright in such work, in the absence of agreement to the contrary; but this provision shall not apply to works created on special commission where there is no relation of employer and employee, unless the parties shall agree otherwise.

The bill in this particular seeks to protect the publishing house. We will do ample justice to the authors and we will not restrain the production of their brains if we will give them a limited privilege and not extend that privilege way beyond a reasonable time, nearly 100 years, perhaps, as provided in this bill.

I am violently opposed to the position taken by the distinguished gentleman from Massachusetts [Mr. LUCE] in holding the rights of authors in their works so sacred, because I place the rights of the public ahead of the rights of property. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto now close.

Mr. BUSBY. I shall object to that.

Mr. BANKHEAD. I would like to ask the chairman of the committee if it is his intention to finish the bill to-night.

Mr. TILSON. We are trying to arrive at some conclusion.

Mr. BUSBY. I would like to offer my amendment to the pending section.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUSBY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BUSBY: Page 8, line 14, strike out section 9 and insert in lieu thereof the following:

"That copyright secured under this or previous acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

"That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment

under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

"That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

"That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

"That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this act.

"That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress perform all the duties relating to the registration of copyrights.

"That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained."

Mr. VESTAL. Mr. Chairman, I reserve all points of order on the amendment.

Mr. BUSBY. What is the attitude of the gentleman from Indiana as to further procedure?

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. And the gentleman from Mississippi will have five minutes on his amendment when we again go into Committee of the Whole?

Mr. VESTAL. Certainly.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union and had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WURZBACH, for the balance of the session, on account of important business.

#### CONSTRUCTION AT WEST POINT, ETC.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk reported the title of the bill.

The Senate amendment is as follows:

Page 3, after line 3, insert:

"Sec. 5. (a) For the purpose of enabling the Secretary of War to obtain possession and legal title to the certain hotel building, appurtenances, and equipment, now located and situated on the grounds of the West Point Military Academy, and known as the Thayer-West Point Hotel, from any and all persons, corporations, or associations holding any title or interest in said hotel building, appurtenances, and equipment, as provided by the act of March 20, 1920 (41 Stat. L. 548), and the lease pursuant thereto entered into October 17, 1924, between the Secretary of War and Herbert Williams, which said lease is hereby terminated, the Secretary of War is authorized and directed to appoint three competent persons to act as a board of appraisers for the purpose of determining the present market value of the hotel building, appurtenances, and equipment, and a report thereof made to the Secretary of War. The Secretary of War shall submit to Congress at the earliest practicable date the report of the board of appraisers.

"(b) The amount so fixed by the board of appraisers is hereby authorized to be appropriated and shall become available when proper title, free of liens and encumbrances, to the said hotel building, appurtenances, and equipment is delivered to and accepted by the Secretary of War and shall be used by the War Department for such lawful purpose as the War Department may hereafter determine.

"(c) That the sum of money hereby authorized to be appropriated shall be paid into the United States District Court for the Southern District of New York and be distributed by the said court as the interests of the parties there appear in the now pending Thayer-West Point Hotel Corporation bankruptcy proceedings."

Mr. GARNER. Is the gentleman from Mississippi [Mr. QUIN] agreeable to this request?

Mr. RANSLEY. This is agreeable to all of the members of the Committee on Military Affairs, on both sides of the House.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. RANSLEY, Mr. SPEARS, Mr. QUIN.

#### CLASSIFICATION OF CIVILIAN POSITIONS—CONFERENCE REPORT

Mr. LEHLBACH. Mr. Speaker, I present a conference report upon the bill (S. 215) to provide for classification of civilian positions in the District of Columbia and in the field service, as amended by the act of May 28, 1928, for printing under the rule.

#### AMENDING DISTRICT OF COLUMBIA APPROPRIATION ACT OF 1914

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3615) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, a similar House bill having been reported and on the House Calendar.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, what is the parliamentary status of this matter?

The SPEAKER. The Chair understands that this is a Senate bill and that what is alleged to be a similar House bill is on the calendar, although the Chair does not think it is similar. The matter requires unanimous consent.

Mr. LaGUARDIA. Mr. Speaker, I object.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3615. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;



H. R. 4161. An act for the relief of Isaac Fink;  
 H. R. 4564. An act for the relief of E. J. Kerlee; and  
 H. R. 8723. An act for the relief of Rachel Levy.  
 The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:  
 S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevaes, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;  
 S. 1638. An act for the relief of William Tell Oppenheimer, jr.; and  
 S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 47. An act for the relief of the State of New York;  
 H. R. 494. An act for the relief of Catherine White;  
 H. R. 913. An act for the relief of Belle Clopton;  
 H. R. 1063. An act for the relief of Alice Hipkins;  
 H. R. 1066. An act for the relief of Evelyn Harris;  
 H. R. 1110. An act for the relief of the heirs of Warren C. Vesta;  
 H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;  
 H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;  
 H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*;  
 H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;  
 H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States;  
 H. R. 10490. An act for the relief of Flossie R. Blair;  
 H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;  
 H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;  
 H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;  
 H. R. 12599. An act to amend section 16 of the radio act of 1927; and  
 H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until Monday, June 30, 1930, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

572. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on Missisquoi River, Vt., covering flood control, power development, and irrigation (H. Doc. No. 496), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13130. A bill granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.; without amendment (Rept. No. 2041). Referred to the House Calendar.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 12964. A bill to authorize alterations and repairs to certain naval vessels; with amendment (Rept. No. 2043). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. BROWNE: A bill (H. R. 13222) to prohibit the transportation in interstate commerce of machine guns; to the Committee on Interstate and Foreign Commerce.

By Mr. LARSEN: A bill (H. R. 13223) to confer jurisdiction upon the Court of Claims to hear and determine the claims of owners of slaves, or their heirs, for loss resulting from issuance of Proclamation of Emancipation by Abraham Lincoln; to the Committee on the Judiciary.

By Mr. SPEAKS: A bill (H. R. 13224) to amend the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, and Marine Corps, and/or Coast Guard of the United States," approved June 21, 1930, so as to give class B officers of the Army the benefits of such act; to the Committee on Military Affairs.

By Mr. WIGGLESWORTH: A bill (H. R. 13225) to extend the limitations of time upon the issuance of medals of honor, distinguished-service medals, and Navy crosses to persons who served in the Navy of the United States during the World War; to the Committee on Naval Affairs.

Also, a bill (H. R. 13226) providing for dismissal of prosecution of offenses and barring further prosecution in case of failure to bring defendant to trial after indictment found or information filed; to the Committee on the Judiciary.

Also, a bill (H. R. 13227) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 13228) to authorize an exchange of lands between the United States and the State of Utah; to the Committee on the Public Lands.

By Mr. MAAS: Resolution (H. Res. 279) authorizing the payment of an allowance from the contingent fund of the House to the assistants in the office of the attending surgeon; to the Committee on Accounts.

By Mr. BACON: Joint resolution (H. J. Res. 390) proposing an amendment to the Constitution to amend the eighteenth amendment; to the Committee on the Judiciary.

By Mr. MEAD: Joint resolution (H. J. Res. 391) relative to expenditures of funds collected from private sources for the Commission on Law Enforcement and Law Observance; to the Committee on the Judiciary.

By Mr. McLEOD: Joint resolution (H. J. Res. 392) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency for the utilization of the resources and industries of the United States, and so forth," approved February 8, 1918; to the Committee on Patents.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial from the Austrian Legation, Washington, D. C., expressing condolence upon the tidings of the demise of Mr. Stephen G. Porter, Congressman from Pennsylvania; to the Committee on Memorials.

Memorial from Ambassador Von Prittwitz, expressing deepest and sincerest sympathy on the occasion of the great loss sustained by the House of Representatives in the passing away of Congressman Stephen G. Porter; to the Committee on Memorials.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 13229) granting a pension to Susan Hepan; to the Committee on Pensions.

Also, a bill (H. R. 13230) granting an increase of pension to Annie V. Anderson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 13231) granting an increase of pension to Cliffie Baker; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13232) granting a pension to Mary E. Anderson; to the Committee on Pensions.

By Mr. FENN: A bill (H. R. 13233) granting a pension to Rose D. Carleton; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 13234) granting a pension to Mary G. Vance; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 13235) granting a pension to Nettie Koehler; to the Committee on Invalid Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 13236) for the relief of Clarence Preston; to the Committee on Military Affairs.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 13237) to extend the benefits of the employees' compensation act of September 7, 1916, to Maude R. Crawford, widow of William M. Crawford, a former special disbursing officer with the Indian office at Pawhuska, Okla.; to the Committee on Claims.

By Mr. SEIBERLING: A bill (H. R. 13238) granting a pension to Balbina Lesniewski; to the Committee on Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 13239) granting a pension to Mary Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13240) granting a pension to Louisa Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13241) granting a pension to Annie L. Burnett; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 13242) granting an increase of pension to Foolish Bear; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 13243) granting a pension to Valdora V. Munson; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 13244) granting a pension to Charles Thornton Newhall; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 13245) for the relief of William T. Sansom; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13246) granting an increase of pension to Sarah E. McKenzie; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7667. By Mr. GRAHAM: Memorial of Philadelphia Board of Trade, opposing Senate bill 4357, to amend section 24 of the Judicial Code; to the Committee on the Judiciary.

7668. By Mr. McCORMACK of Massachusetts: Petition of the Department of Massachusetts, United Spanish War Veterans, John A. Buswell, department adjutant, 158 State House, Boston, Mass., adopted at its thirty-first annual encampment, held at Framingham, Mass., June 13-15, 1930, urging legislation for the immediate building up and development of the Naval Reserve of the United States as a second line of defense; to the Committee on Naval Affairs.

#### SENATE

MONDAY, June 30, 1930

Rev. James W. Morris, D. D., assistant rector Church of the Epiphany, city of Washington, offered the following prayer:

Almighty God and Heavenly Father, whose sovereign authority is over all Thy works, by whose merciful providence kings reign and rulers are established, we ascribe unto Thee greatness and power. We glorify Thee as the God of truth and inviolate righteousness, just and right in all Thy ways.

Enable us all, we pray Thee, governors as well as governed, to keep ever in mind that there can be no real freedom either for ourselves or for our Nation without filial submission to Thy beneficent will and only in humble service of Thy holy name.

We ask this through the mediation of Thy Son, to whom Thou hast given all authority in heaven and on earth. Amen.

#### THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; and

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes

of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; and

H. R. 4189. An act to add certain lands to the Boise National Forest.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. TAYLOR of Colorado, and Mr. AYRES were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4176) for the relief of Dr. Charles W. Reed.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;

H. R. 4564. An act for the relief of E. J. Kerlee; and

H. R. 8723. An act for the relief of Rachel Levy.

#### MINORITY VIEWS ON LONDON NAVAL TREATY (REPT. NO. 1080, PT. 2)

Mr. JOHNSON. Mr. President, I present the views of the minority of the Foreign Relations Committee upon the London naval treaty and ask that they may be printed as a Senate document and also printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The minority views are as follows:

[S. Rept. 1080, pt. 2, 71st Cong., 2d sess.]

#### LIMITATION AND REDUCTION OF NAVAL ARMAMENT

Mr. JOHNSON, from the Committee on Foreign Relations, submitted the following minority views (to accompany Executive I):

It is unfortunate that a discussion of the London treaty must deal with ships of war and comparative navies of different countries. The treaty, however, is one that is highly technical in character and which concerns in all their ramifications the fighting sea forces of Great Britain, Japan, and the United States. The treaty not only deals with the comparative naval strength of the three countries, but presumably with these nations' national defense, the protection of their commerce, and even the contingency of difficulties among them. In these aspects